



# भारत का राजपत्र The Gazette of India

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No. 51] NEW DELHI, DECEMBER 16—DECEMBER 22, 2012, SATURDAY/AGRAHAYANA 25—PAUSA 1, 1934

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।  
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 18 दिसम्बर, 2012

का. आ. 3621.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालय में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप एतद्द्वारा अधिसूचित करती है :

99 बटालियन,  
सीमा सुरक्षा बल,  
जालिया,  
जिला -- बाड़मेर, राजस्थान

[सं. 12017/1/2012-हिन्दी]  
अवधेश कुमार मिश्र, निदेशक (राजभाषा)

**MINISTRY OF HOME AFFAIRS**

New Delhi, the 18th December, 2012

**S.O. 3621.**—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Ministry of Home Affairs wherein the percentage of the staff having working knowledge of Hindi has gone above 80% :

99 Battalion, BSF,  
Jalia, Distt-Barmer,  
Rajasthan.

[No. 12017/1/2012-Hindi]  
AVADHESH KUMAR MISHRA, Director (OL)

**कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय**

( कार्मिक और प्रशिक्षण विभाग )

नई दिल्ली, 13 दिसम्बर, 2012

**का. आ. 3622.**—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए असम राज्य सरकार, राजनीतिक (ए) विभाग, दिसपुर की अधिसूचना सं. पीएलए, 432/2012/पीटी/180 दिनांक 6 अक्टूबर, 2012 द्वारा प्राप्त सहमति से पुलिस स्टेशन बिजनी प्राथमिकी सं. 238/2012 के अंतर्गत भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 147, 148, 149, 341, 364, 435, 396, 109 के संबंध में अन्वेषण करने तथा प्रयासों, दुष्करेणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध या अपराधों का बी.टी.ए.डी. क्षेत्रों एवं अन्य जिलों में हुई जातीय हिंसा के दौरान घटित अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण असम राज्य के सम्बन्ध में करती है।

[फा. सं. 228/45/2012-ए बी डी-II]

राजीव जैन, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

(Department of Personnel and Training)

New Delhi, the 13th December, 2012

**S.O. 3622.**—In exercise of the powers conferred by sub-section (1) of Section 5, read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam, Political (A) Department, Dispur vide Notification No. PLA. 432/2012/Pt/180 dated 6th October, 2012, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of Case No. 238/2012 under Sections 147, 148, 149, 341, 364, 435, 396, 109 of Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Bijni PS relating to the ethnic violence in BTAD areas and other Districts and attempts, abetments and conspiracies in relation to or in connection with the above mentioned offences and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/45/2012-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 18 दिसम्बर, 2012

**का. आ. 3623.**—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए स्थानीय क्षेत्रों सहित सम्पूर्ण जम्मू और कश्मीर राज्य के परीक्षण न्यायालयों में दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा संस्थापित मामलों में परीक्षण न्यायालयों और अपीलों, पुनरीक्षणों या विधि द्वारा स्थापित अपीलीय या पुनरीक्षण न्यायालयों में इन मामलों से उत्पन्न अन्य मामलों में अभियोजन का संचालन करने के लिए श्री कुलजीत सिंह पठानिया, वकील को केन्द्रीय अन्वेषण ब्यूरो में लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 202/5/2012-एवीडी-II (भाग-I)]

राजीव जैन, अवर सचिव (V-II)

New Delhi, the 18th December, 2012

**S.O. 3623.**—In exercise of the powers conferred by sub-section (2) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Kuljeet Singh Pathania, Advocate in Central Bureau of Investigation as Public Prosecutor for conducting the prosecution of cases in the local area comprising the whole State of Jammu and Kashmir instituted by the Delhi Special Police Establishment (CBI) in trial courts and appeals, revisions or other matters arising out of the cases in revisional or appellate Courts, established by law.

[F.No. 202/5/2012-AVD-II (Pt.-I)]

RAJIV JAIN, Under Secy. (V-II)

## वित्त मंत्रालय

(व्यय विभाग)

नई दिल्ली, 14 दिसम्बर, 2012

**का.आ. 3624.**—राष्ट्रपति, संविधान के अनुच्छेद 77 के खंड (3) के अनुसरण में वित्तीय शक्तियों का प्रत्यायोजन नियमावली, 1978 में और संशोधन करने के लिए एतद्द्वारा निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का नाम वित्तीय शक्तियों का प्रत्यायोजन (संशोधन) नियमावली, 2012 है।

(2) ये सरकारी राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियमावली, 1978 की अनुसूची VII, में तालिका में, मद (iv) के लिए “राजस्व की हानि” शीर्ष से संबंधित प्रविष्टियां तथा “प्राधिकार” और “मौद्रिक सीमा जिस तक प्रत्येक मामले में हानि को बढ़ते-खाते डाला जा सकता है” शीर्ष के अंतर्गत कॉलम (2) और (3) में उससे संबंधित प्रविष्टियां क्रमशः निम्नलिखित मद और प्रविष्टियों द्वारा प्रतिस्थापित की जाएंगी, अर्थात् :—

प्राधिकार	मौद्रिक सीमा जिस तक प्रत्येक मामले में घाटे को माफ किया जा सकता है
“(iv) (क) मुख्य आयुक्त, सीमा शुल्क और केन्द्रीय उत्पाद शुल्क/मुख्य सीमा शुल्क आयुक्त	(क) सीमा शुल्क अधिनियम, 1962, केन्द्रीय उत्पाद शुल्क अधिनियम, 1944, स्वर्ण नियंत्रण अधिनियम, 1968 और वित्त अधिनियम, 1994 के अंतर्गत अधिरोपित जुर्मानों और शास्तियों की अप्राप्य राशि के परित्याग ; और (ख) अगले उच्चतर प्राधिकारी को रिपोर्ट दिए जाने के अध्यक्षीन 15 लाख रुपए तक सीमा शुल्क अथवा केन्द्रीय उत्पाद शुल्क अथवा सेवा कर की अप्राप्य राशि को बढ़ते-खाते डालने की पूरी शक्तियां।
(ख) सीमा शुल्क और केन्द्रीय उत्पाद शुल्क आयुक्त	(क) सीमा शुल्क अधिनियम, 1962, केन्द्रीय उत्पाद शुल्क अधिनियम, 1944, स्वर्ण नियंत्रण अधिनियम, 1968 और वित्त अधिनियम, 1994 के अंतर्गत अधिरोपित जुर्मानों और शास्तियों की अप्राप्य राशि के परित्याग ; और (ख) अगले उच्चतर प्राधिकारी को रिपोर्ट दिए जाने के अध्यक्षीन 10 लाख रुपए तक सीमा शुल्क अथवा केन्द्रीय उत्पाद शुल्क अथवा सेवा कर की अप्राप्य राशि को बढ़ते-खाते डालने की पूरी शक्तियां।
(ग) सीमा शुल्क आयुक्त	(क) सीमा शुल्क अधिनियम, 1962 और स्वर्ण नियंत्रण अधिनियम, 1968 के अंतर्गत अधिरोपित जुर्मानों और शास्तियों की अप्राप्य राशि के परित्याग ; और (ख) अगले उच्चतर प्राधिकारी को रिपोर्ट दिए जाने के अध्यक्षीन 10 लाख रुपए तक सीमा शुल्क की अप्राप्य राशि को बढ़ते-खाते डालने की पूरी शक्तियां।
(घ) केन्द्रीय उत्पाद शुल्क आयुक्त	(क) केन्द्रीय उत्पाद शुल्क अधिनियम, 1944, स्वर्ण नियंत्रण अधिनियम, 1968 और वित्त अधिनियम, 1994 के अंतर्गत अधिरोपित जुर्मानों और शास्तियों की अप्राप्य राशि के परित्याग ; और (ख) अगले उच्चतर प्राधिकारी को रिपोर्ट दिए जाने के अध्यक्षीन 10 लाख रुपए तक केन्द्रीय उत्पाद शुल्क अथवा सेवा कर की अप्राप्य राशि को बढ़ते-खाते डालने की पूरी शक्तियां।

प्राधिकार	मौद्रिक सीमा जिस तक प्रत्येक मामले में घाटे को माफ किया जा सकता है
(ड) सेवा कर आयुक्त	(क) वित्त अधिनियम, 1994 के अंतर्गत अधिरोपित जुर्मानों और शास्तियों की अप्राप्य राशि के परित्याग ; और (ख) अगले उच्चतर प्राधिकारी को रिपोर्ट दिए जाने के अध्यक्षीन 10 लाख रुपए तक सेवा कर की अप्राप्य राशि को बट्टे-खाते डालने की पूरी शक्तियां । <b>टिप्पणी :</b> राजस्व (सीमा-शुल्क, केन्द्रीय उत्पाद शुल्क और सेवा कर) की अप्राप्य राशि को बट्टे-खाते डालने और सीमा शुल्क अधिनियम, 1962, केन्द्रीय उत्पाद शुल्क अधिनियम, 1944, स्वर्ण नियंत्रण अधिनियम, 1968 और वित्त अधिनियम, 1994 के अंतर्गत जुर्मानों और शास्तियों की अप्राप्य राशि के परित्याग के मामलों में शक्तियों का प्रयोग, सामान्य वित्तीय नियमावली, 2005 के नियम 19 के प्रावधानों के अनुसार संबंधित महालेखाकार को रिपोर्ट दिए जाने के अध्यक्षीन होगा ।"

[फा. सं. 1(27)/ई. II(ए)/2011]

आर. प्रेम. आनन्द, अवर सचिव

**टिप्पणी :** मूल नियम, 22 जुलाई, 1978 की अधिसूचना का.आ. सं. 2131 के तहत भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii) में प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित अधिसूचनाओं के माध्यम से इनमें संशोधन किए गए हैं :—

(i) का.आ. 1187 दिनांक 9 जून, 1979	(xxiii) का.आ. 2173 दिनांक 18 अगस्त, 1990
(ii) का.आ. 2942 दिनांक 1 सितम्बर, 1979	(xxiv) का.आ. 3033 दिनांक 17 नवम्बर, 1990
(iii) का.आ. 2611 दिनांक 4 अक्टूबर, 1980	(xxv) का.आ. 3414 दिनांक 22 दिसम्बर, 1990
(iv) का.आ. 2164 दिनांक 15 अगस्त, 1981	(xxvi) का.आ. 534 दिनांक 28 फरवरी, 1991
(v) का.आ. 2304 दिनांक 5 सितम्बर, 1981	(xxvii) का.आ. 2235 दिनांक 24 अगस्त, 1991
(vi) का.आ. 3073 दिनांक 4 सितम्बर, 1982	(xxviii) का.आ. 547(अ) दिनांक 24 जुलाई, 1992
(vii) का.आ. 4171 दिनांक 11 दिसम्बर, 1982	(xxix) का.आ. 466 दिनांक 13 मार्च, 1993
(viii) का.आ. 1314 दिनांक 26 फरवरी, 1983	(xxx) का.आ. 1292 दिनांक 12 जून, 1993
(ix) का.आ. 2502 दिनांक 4 अगस्त, 1984	(xxxi) का.आ. 685 दिनांक 12 मार्च, 1994
(x) का.आ. 22 दिनांक 5 जनवरी, 1985	(xxxii) का.आ. 1232 दिनांक 28 मई, 1994
(xi) का.आ. 1958 दिनांक 11 मई, 1985	(xxxiii) का.आ. 1945 दिनांक 13 अगस्त, 1994
(xii) का.आ. 3082 दिनांक 6 जुलाई, 1985	(xxxiv) का.आ. 2451 दिनांक 24 सितम्बर, 1994
(xiii) का.आ. 3974 दिनांक 24 अगस्त, 1985	(xxxv) का.आ. 174 दिनांक 28 जनवरी, 1995
(xiv) का.आ. 5641 दिनांक 21 दिसम्बर, 1985	(xxxvi) का.आ. 670(अ) दिनांक 30 सितम्बर, 1996
(xv) का.आ. 1548 दिनांक 19 अप्रैल, 1986	(xxxvii) का.आ. 665(अ) दिनांक 5 अगस्त, 1998
(xvi) का.आ. 3183 दिनांक 20 सितम्बर, 1986	(xxxviii) का.आ. 1835 दिनांक 19 सितम्बर, 1998
(xvii) का.आ. 3787 दिनांक 8 नवम्बर, 1986	(xxxix) का.आ. 2274 दिनांक 14 अगस्त, 1999
(xviii) का.आ. 2508 दिनांक 19 सितम्बर, 1987	(xl) का.आ. 3054 दिनांक 23 अक्टूबर, 1999
(xix) का.आ. 3092 दिनांक 7 नवम्बर, 1987	(xli) का.आ. 2946 दिनांक 3 नवम्बर, 2001
(xx) का.आ. 3581 दिनांक 10 दिसम्बर, 1987	(xlii) का.आ. 3661 दिनांक 23 नवम्बर, 2002
(xxi) का.आ. 641 दिनांक 17 मार्च, 1990	(xliii) का.आ. 1970 दिनांक 14 जुलाई, 2007
(xxii) का.आ. 1469 दिनांक 26 मई, 1990	(xliv) का.आ. 1370 दिनांक 29 मई, 2010



## MINISTRY OF FINANCE

## (Department of Expenditure)

New Delhi, the 14th December, 2012

**S.O. 3624.**—In pursuance of clause (3) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely :—

1. (1) These rules may be called the Delegation of Financial Powers (Amendment) Rules, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Schedule VII to the Delegation of Financial Powers Rules, 1978, in the Table, in the entries relating to the heading "Loss of Revenue" for item (iv) and the entries relating thereto under columns (2) and (3) under the heading "Authority" and "Monetary limit upto which the loss may be written off in each case", the following item and entries shall respectively be substituted, namely :—

Authority	Monetary limit up to which the loss may be written off in each case
"(iv) (a) Chief Commissioner of Customs and Central Excise/Chief Commissioner of Customs	<p>(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Customs Act, 1962, the Central Excises Act, 1944, the Gold Control Act, 1968, and the Finance Act, 1994; and</p> <p>(b) To write off irrecoverable amounts of customs or central excise duty or service tax upto Rs. 15 lakhs subject to a report to the next higher authority.</p>
(b) Commissioner of Customs and Central Excise	<p>(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Customs Act, 1962, the Central Excises Act, 1944, the Gold Control Act, 1968, and the Finance Act, 1994; and</p> <p>(b) To write off irrecoverable amounts of customs or central excise duty or service tax upto Rs. 10 lakhs subject to a report to the next higher authority.</p>
(c) Commissioner of Customs	<p>(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Customs Act, 1962, the Gold Control Act, 1968; and</p> <p>(b) To write off irrecoverable amounts of customs duty upto Rs. 10 lakhs subject to a report to the next higher authority.</p>
(d) Commissioner of Central Excise	<p>(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Central Excises Act, 1944, the Gold Control Act, 1968 and the Finance Act, 1994; and</p> <p>(b) To write off irrecoverable amounts of central excise duty or service tax upto Rs. 10 lakhs subject to a report to the next higher authority.</p>

Authority	Monetary limit up to which the loss may be written off in each case
(e) Commissioner of Service Tax	<p>(a) Full powers for abandonment of irrecoverable amounts of fines and penalties imposed under the Finance Act, 1994; and</p> <p>(b) To write off irrecoverable amounts of service tax upto Rs. 10 lakhs subject to a report to the next higher authority.</p> <p><b>Note :—</b>The exercise of powers in respect of cases of writing-off of irrecoverable amounts of revenue (Customs Duty, Central Excise Duty and Service Tax) and abandonment of irrecoverable amounts of fines and penalties arising under the Customs Act, 1962, the Central Excise Act, 1944, the Gold Control Act, 1968 and the Finance Act, 1994, shall be subject to a report being made to the Accountant General concerned in accordance with the provisions of rule 19 of the General Financial Rules, 2005."</p>

[F. No. 1(27)/E. II (A)/2011]

R. PREM ANAND, Under Secy.

**Note :—**The principal rules were published in the Gazette of India Part II, Section 3, Sub-section (ii) vide number S.O. 2131, dated the 22nd July, 1978 and have subsequently been amended vide notification number :—

- |  |  |
|--|--|
| (i) S.O. 1187 dated the 9th June, 1979           | (xxiii) S.O. 2173 dated the 18th August, 1990      |
| (ii) S.O. 2942 dated the 1st September, 1979     | (xxiv) S.O. 3033 dated the 17th November, 1990     |
| (iii) S.O. 2611 dated the 4th October, 1980      | (xxv) S.O. 3414 dated the 22nd December, 1990      |
| (iv) S.O. 2164 dated the 15th August, 1981       | (xxvi) S.O. 534 dated the 28th February, 1991      |
| (v) S.O. 2304 dated the 5th September, 1981      | (xxvii) S.O. 2235 dated the 24th August, 1991      |
| (vi) S.O. 3073 dated the 4th September, 1982     | (xxviii) S.O. 547(E) dated the 24th July, 1992     |
| (vii) S.O. 4171 dated the 11th December, 1982    | (xxix) S.O. 466 dated the 13th March, 1993         |
| (viii) S.O. 1314 dated the 26th February, 1983   | (xxx) S.O. 1292 dated the 12th June, 1993          |
| (ix) S.O. 2502 dated the 4th August, 1984        | (xxxi) S.O. 685 dated the 12th March, 1994         |
| (x) S.O. 22 dated the 5th January, 1985          | (xxxii) S.O. 1232 dated the 28th May, 1994         |
| (xi) S.O. 1958 dated the 11th May, 1985          | (xxxiii) S.O. 1945 dated the 13th August, 1994     |
| (xii) S.O. 3082 dated the 6th July, 1985         | (xxxiv) S.O. 2451 dated the 24th September, 1994   |
| (xiii) S.O. 3974 dated the 24th August, 1985     | (xxxv) S.O. 174 dated the 28th January, 1995       |
| (xiv) S.O. 5641 dated the 21st December, 1985    | (xxxvi) S.O. 670(E) dated the 30th September, 1996 |
| (xv) S.O. 1548 dated the 19th April, 1986        | (xxxvii) S.O. 665(E) dated the 5th August, 1998    |
| (xvi) S.O. 3183 dated the 20th September, 1986   | (xxxviii) S.O. 1835 dated the 19th September, 1998 |
| (xvii) S.O. 3787 dated the 8th November, 1986    | (xxxix) S.O. 2274 dated the 14th August, 1999      |
| (xviii) S.O. 2508 dated the 19th September, 1987 | (xl) S.O. 3054 dated the 23rd October, 1999        |
| (xix) S.O. 3092 dated the 7th November, 1987     | (xli) S.O. 2946 dated the 3rd November, 2001       |
| (xx) S.O. 3581 dated the 10th December, 1987     | (xlii) S.O. 3661 dated the 23rd November, 2002     |
| (xxi) S.O. 641 dated the 17th March, 1990        | (xliii) S.O. 1970 dated the 14th July, 2007        |
| (xxii) S.O. 1469 dated the 26th May, 1990        | (xliv) S.O. 1370 dated the 29th May, 2010          |

**विदेश मंत्रालय**

(सी पी वी प्रभाग)

नई दिल्ली, 11 दिसम्बर, 2012

का. आ. 3625.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार एतद्द्वारा श्रीमति च. रतनामाला, सहायक को 11-12-2012 से भारत के कौंसलावास, दुबई में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

**MINISTRY OF EXTERNAL AFFAIRS**

(CPV DIVISION)

New Delhi, the 11th December, 2012

S.O. 3625.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Mrs. Ch. Ratnamala, Assistant, Consulate General of India, Dubai to perform the duties of Assistant Consular Officer with effect from 11th December, 2012.

[No. T. 4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

नई दिल्ली, 11 दिसम्बर, 2012

का. आ. 3626.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार एतद्द्वारा श्री राजेश कुमार सूद और श्री प्रकाश चन्द, सहायकों को 11-12-2012 से भारत के राजदूतावास, दोहा में सहायक कौंसुलर अधिकारी के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

New Delhi, the 11th December, 2012

S.O. 3626.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Rajesh Kumar Sud and Shri Prakash Chands, Assistants, Embassy of India, Doha to perform their duties of Assistant Consular Officer with effect from 11th December, 2012.

[No. T. 4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

**योजना आयोग****आदेश**

नई दिल्ली, 7 दिसम्बर, 2012

का. आ. 3627.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियमावली, 1965 [सीसीएस (सीसीए नियमावली)] के नियम 12 के उप-नियम (2) के खण्ड (क) और (ख) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, अनुशासनिक प्राधिकारी के रूप में उनमें निहित शक्ति को एतद्द्वारा उपाध्यक्ष, योजना आयोग को निम्नानुसार प्रत्यायोजित करते हैं :

- (i) योजना आयोग के समूह 'क' जीसीएस के अधिकारियों के संबंध में— सीसीएस (सीसीए) नियमावली, 1965 के नियम 11 के खण्ड (i) से (iv) में विनिर्दिष्ट किसी छोटी शास्ति के अधिरोपण के लिए ;
- (ii) समूह 'ख' सीएसएस के अनुभाग अधिकारियों, सीएसओएल समूह 'ख' अधिकारियों, सीएसएसएस ग्रेड-I अधिकारियों के संबंध में सीसीएस (सीसीए) नियमावली, 1965 के नियम 11 के खण्ड (ii) से (iv) में विनिर्दिष्ट किसी छोटी शास्ति के अधिरोपण के लिए।

[सं. सी- 31012/01/2011-सतर्कता]

सिन्धुश्री खुल्लर, सचिव

**PLANNING COMMISSION****ORDER**

New Delhi, the 7th December, 2012

**S.O. 3627.**—In exercise of powers conferred under clause (a) and (b) of sub-rule (2) of rule 12 of Central Civil Services, (Classification, Control and Appeal) Rules, 1965 [CCS (CCA) Rules], the President is hereby pleased to delegate the power vested in him as the Disciplinary Authority to the Deputy Chairman, Planning Commission as under :

- (i) in respect of officer of Group 'A' GCS of Planning Commission—for imposition of any of the Minor Penalty specified in clauses (i) to (iv) of rule 11 of CCS (CCA) Rules, 1965 ;
- (ii) in respect of Section Officers of Group 'B' CSS, CSOL Group 'B' Officers, CSSS Grade-I Officers—for imposition of any of the Minor Penalty specified in clauses (ii) to (iv) of rule 11 of CCS (CCA) Rules, 1965.

[No. C-31012/01/2011-Vig.]  
SINDHUSHREE KHULLAR, Secy.

मानव संसाधन विकास मंत्रालय

( उच्चतर शिक्षा विभाग )

( राजभाषा यूनिट )

नई दिल्ली, 12 दिसम्बर, 2012

**का. आ. 3628.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (स्कूल शिक्षा एवं साक्षरता विभाग) के अंतर्गत, केन्द्रीय माध्यमिक शिक्षा बोर्ड (क्षेत्रीय कार्यालय), ब्रह्मस्थान, शेखपुरा, पटना-14, बिहार को ऐसे कार्यालय के रूप में, जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11011-1/2011-रा.भा.ए.]  
अनन्त कुमार सिंह, संयुक्त सचिव

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT**

(Department of Higher Education)

(O.L. UNIT)

New Delhi, the 12th December, 2012

**S.O. 3628.**—In pursuance of sub rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Central Board of Secondary Education, Regional Office, Brahmsthan, Shekhpura, Patna-14, Bihar under the Ministry of Human Resource Development, (Deptt. of School Education and Literary) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

[No. 11011-1/2011-O.L.U.]  
ANANT KUMAR SINGH, Jt. Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

नई दिल्ली, 6 जून, 2012

**का.आ. 3629.**—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित संशोधन करती है, अर्थात् :—

2. "जम्मू विश्वविद्यालय द्वारा प्रदत्त दंत चिकित्सा डिग्रियों की मान्यता के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 95 के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्तःस्थापित की जाएंगी :-

"II इंस्टीट्यूट ऑफ डेंटल साइंसेज, सेहोरा, जम्मू

(i) बैचलर ऑफ डेंटल सर्जरी

(यदि 18-11-2011 को अथवा उसके पश्चात्  
प्रदान की गई हो)

बीडीएस, जम्मू विश्वविद्यालय"

[सं. वी-12017/100/2005-डीई]

सूबे सिंह, उप सचिव

## MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 6th June, 2012

S.O. 3629.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 95, in Part-I of the Schedule to the Dentists Act 1948, (16 of 1948) pertaining to recognition of dental degrees awarded by University of Jammu, the following entries shall be inserted thereunder :—

"II. Institute of Dental Sciences, Sehora, Jammu

(i) Bachelor of Dental Surgery

(if granted on or after 18-11-2011)

BDS, University of Jammu"

[F.No. V-12017/100/2005-DE]

SUBE SINGH, Dy. Secy.

नई दिल्ली, 6 जून, 2012

का.आ. 3630.—केन्द्र सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात् :—

2. "उत्कल विश्वविद्यालय, वनी विहार" द्वारा प्रदत्त दंत चिकित्सा डिग्रियों की मान्यता के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 36 के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्तःस्थापित की जाएंगी :-

"VI कलिंगा इंस्टीट्यूट ऑफ डेंटल साइंसेज, भुवनेश्वर

(i) बैचलर ऑफ डेंटल सर्जरी

(यदि 4-11-2011 को अथवा उसके पश्चात्  
प्रदान की गई हो)

बीडीएस, उत्कल विश्वविद्यालय, वनी विहार"

[सं. वी-12017/43/2004-डीई]

सूबे सिंह, उप सचिव

4549 GI/12-3

New Delhi, the 6th June, 2012

**S.O. 3630.**—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 and 3 against Serial No. 36, in Part-I of the Schedule to the Dentists Act 1948, (16 of 1948) pertaining to recognition of dental degrees awarded by Utkal University, Vanivihar, the following entries shall be inserted thereunder :—

“VI. Kalinga Institute of Dental Sciences, Bhubaneswar

(i) Bachelor of Dental Surgery  
(if granted on or after 4-11-2011)

BDS, Utkal University Vanivihar”

[F. No. V-12017/43/2004-DE]  
SUBE SINGH, Dy. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

( उपभोक्ता मामले विभाग )

( भारतीय मानक ब्यूरो )

नई दिल्ली, 14 दिसम्बर, 2012

**क्रा. आ. 3631.**—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :—

#### अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 16066 : 2012 फेरी लगाकर खाद्य पदार्थ बेचने वाले — खाद्य सुरक्षा अपेक्षाएं	—	31 दिसंबर 2012

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चैन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ एफएडी/जी-128]

डा. आर. के. बजाज, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

#### MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 14th December, 2012

**S.O. 3631.**—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it :—

#### SCHEDULE

Sl. No. & Year of the Indian Standards No. Established	No. and Year of Indian Standards, Date of Established if any, Superseded by the New Indian Standard	Date of Established
1. IS 16066 : 2012 Street Food Vendors – Food Safety Requirements	—	31 December 2012

Copies of this Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. FAD/G-128]

Dr. R. K. BAJAJ, Scientist 'F' &amp; Head (Food &amp; Agri.)

नई दिल्ली, 14 दिसम्बर, 2012

का. आ. 3632.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :—

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1.	IS 1343 : 2012 पूर्वप्रबलित कंक्रीट – रीति सहिता (दूसरा पुनरीक्षण)	IS 1343 : 1980 पूर्वप्रबलित कंक्रीट की रीति सहिता (पहला पुनरीक्षण)	30 नवम्बर 2012

इस भारतीय मानकों की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चैन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ सीईडी/राजपत्र]

डी. के. अग्रवाल, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 14th December, 2012

S.O. 3632.—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it :—

## SCHEDULE

Sl. No. & Year of the Indian Standards No. Established and Title	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)
1. IS 1343 : 2012 Prestressed Concrete – Code of Practice (Second Revision)	IS 1343 : 1980 Code of Practice for Prestressed Concrete (First Revision)	30 November 2012

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref. CED/Gazette]

D. K. AGRAWAL, Scientist 'F' &amp; Head (Civil Eng.)

नई दिल्ली, 17 दिसम्बर, 2012

**का. आ. 3633.**—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं।

**अनुसूची**

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1.	आईएस 10429 : 2011 सिरैमिक उद्योग के लिए टाल्क पाउडर— विशिष्ट (पहला पुनरीक्षण)	—	30 नवंबर 2011
2.	आईएस 10640 : 2011 सॉक्सलेट निष्कर्षक— विशिष्ट (पहला पुनरीक्षण)	—	30 नवंबर 2011
3.	आईएस 11464 : 2011 सिरैमिक उद्योग के लिए क्वार्टज— विशिष्ट (पहला पुनरीक्षण)	—	31 दिसम्बर 2011
4.	आईएस 11477 : 2011 सिरैमिक उद्योग के लिए पायरोफिल्लाइट— विशिष्ट (पहला पुनरीक्षण)	—	31 दिसम्बर 2011

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई, तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ सीएचडी 9/आईएस 10429, 11464, 11477 और 10640]  
एस. एन. चटर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (रसायन विभाग)

New Delhi, the 17th December, 2012

**S.O. 3633.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

**SCHEDULE**

S. No.	No. & Year of the Indian Standard Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 10429 : 2011 Powered talc for ceramic industry – Specification (first revision)	—	30 November, 2011
2.	IS 10640 : 2011 Soxhlet Extractors Specification (First Revision)	—	30 November 2011
3.	IS 11464 : 2011 Quartz for ceramic industry – Specification (first revision)	—	31 December 2011
4.	IS 11477 : 2011 Pyrophyllite for ceramic industry – Specification (First Revision)	—	31 December 2011



Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram. On line purchase of Indian standard can be made at : <http://www.standardsbis.in>.

[Ref. CHD 09/IS 10429, 11464, 11477 & 10640]

S. N. CHATTERJEE, Scientist-'F' & Head (CHD)

नई दिल्ली, 20 दिसम्बर, 2012

का. आ. 3634.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्नके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं :

### अनुसूची

क्र. लाइसेंस सं. संख्या	स्वीकृत करने की तिथि, वर्ष एवं माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भारतीय मानक संख्या	भाग	अनु	वर्ष	
1	2	3	4	5	6	7	8	9
1. 3847174	03 जुलाई 2012	अमर स्टील इन्डस्ट्रीज, सर्वे नम्बर 55, भावनगर राजकोट राजमार्ग, गांव खाखारीया, तालुका शिहोर, जिला भावनगर, गुजरात	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार	1786	0	0	2008	
2. 3847275	03 जुलाई 2012	जीवनदीप सीरामिक्स, गांव थानगढ़, तालुका चोटीला, जिला सुरेन्द्रनगर, गुजरात-363530	बैठकर शौचादि के लिए पात्र	2556	3	0	2004	
3. 3847376	03 जुलाई 2012	दर्शन आर्ट ज्वेलर्स, विशाल कोम्प्लेक्स, शोप नम्बर 7, मवडी मैन रोड, राजकोट, गुजरात-360004	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	0	0	1999	
4. 3847982	05 जुलाई 2012	आदित्य अल्ट्रा स्टील प्राईवेट लिमिटेड, सर्वे नम्बर 48, राष्ट्रीय राजमार्ग 8ए, वांकानेर बाउन्ड्री के पास, गांव भालगाम, तालुका वांकानेर, जिला राजकोट, गुजरात-363621	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार	1786	0	0	2008	
5. 3848075	06 जुलाई 2012	जय सिमेंट इन्डस्ट्रीज, सर्वे नम्बर 48-49, प्लॉट नम्बर 9, गांव जामवाडी, तालुका गोंडल, जिला राजकोट, गुजरात	साधारण पोर्टलैन्ड सिमेन्ट	12269	0	0	1987	
6. 3849380	09 जुलाई 2012	डी.एन. ज्वेलर्स, धोराजी गेट, एम.जी. रोड के सामने, जेतपुर, जिला राजकोट, गुजरात-360370	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	0	0	1999	

1	2	3	4	5	6	7	8	9
7.	3849481	09 जुलाई 2012	तीरूपती ज्वेलर्स, हीरक बाग स्टेशन रोड के सामने, अमरेली, गुजरात-365601	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	0	0	1999
8.	3849582	09 जुलाई 2012	सत्यम ज्वेलर्स, जावेरी बाजार, जामखंडाड़ीया, जिला जामनगर, गुजरात	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	1417	0	0	1999
9.	3849885	10 जुलाई 2012	मयूर स्ट्रेप्स एंड पैकेजिंग इन्डस्ट्रीज सर्वे नम्बर 179, ऐवरेस्ट फर्टिलाइजर के पास, अतुल ओटो लिमिटेड के सामने, राष्ट्रीय राजमार्ग 8बी, बेरावल शापर, जिला राजकोट, गुजरात-360024	पोलीईस्टर स्ट्रैपिंग	15559	0	0	2004
10.	3850365	12 जुलाई 2012	रीकोन इन्डस्ट्रीज, प्लॉट नं. 3, 4, 5, सील्वर पार्क हनुमान मन्दिर, कृष्णा पार्क होटल, गोडल रोड, राजकोट, गुजरात-360004	निमज्जनीय पम्प सेट	8034	0	0	2002
11.	3850466	12 जुलाई 2012	सेन्चुरी इलेक्ट्रीकल कंपनी, 2 उमाकांत उद्योग नगर, मवडी प्लॉट, राजकोट, गुजरात-360004	जिमज्जनीय पम्प सेट	8034	0	0	2002
12.	3850567	12 जुलाई 2012	नर्मदा इन्डस्ट्रीज, शेड नम्बर 12, स्ट्रीट नम्बर 3, सहजानंद इन्डस्ट्रीयल एस्टेट, किशान गौ शाला के पास, मुरलीधर वे ब्रिज के पीछे, राष्ट्रीय राजमार्ग 8 बी, राजकोट, गुजरात-360003	निमज्जनीय पम्प सेट	8034	0	0	2002
13.	3850668	12 जुलाई 2012	फाल्कन पम्प्स प्राईवेट लिमिटेड, सर्वे नम्बर 39/4, वाघडी इन्डस्ट्रीयल एरिया, होटल कृष्णा पार्क के पीछे, वाघडी, राजकोट, गुजरात-360004	निमज्जनीय पम्प सेट की मोटरें	9283	0	0	1995
14.	3850971	13 जुलाई 2012	नीसान पम्प्स, प्लॉट नम्बर 62, सर्वे नम्बर 203, गोल्डन इन्डस्ट्रीयल एरिया, रोलेक्स रिंग के पीछे, गांव कोठारीया, जिला राजकोट, गुजरात	खूले कुएं के लिए निमज्जनीय पम्पसेट	14220	0	0	1994

1	2	3	4	5	6	7	8	9
15.	3851064	13 जुलाई 2012	नीसान पम्पस, प्लोट नम्बर 62, सर्वे नम्बर 203, गोल्डन इन्डस्ट्रीयल एरिया, रोलेक्स रिंग के पीछे, गांव कोठारीया, जिला राजकोट, गुजरात	निमज्जनीय पम्प सेट	8034	0	0	2002
16.	3851872	16 जुलाई 2012	श्रीजी केबल इन्डस्ट्रीज, गैलेक्सी चैन के पीछे, गांव शापर, तालुका कोटडा सांगानी, जिला राजकोट, गुजरात-360024	1100 बोल्ट तक की कार्यकारी वोल्टता के लिए पी बी सी रोधित केबल	694	0	0	1990
17.	3852167	17 जुलाई 2012	फ्युजन पम्पस प्राइवेट लिमिटेड, प्लोट नम्बर 7 & 8, सर्वे नम्बर 54, हडमताला इन्डस्ट्रीयल एरिया, बंधेश्वर मंदिर के पास, गांव हडमताला, तालुका कोटडा सांगानी, जिला राजकोट, गुजरात-360030	खूले कुएं के लिए निमज्जय पम्पसेट	14220	0	0	1994
18.	3852268	17 जुलाई 2012	फ्युजन पम्पस प्राइवेट लिमिटेड, प्लोट नम्बर 7 & 8, सर्वे नम्बर 54, हडमताला इन्डस्ट्रीयल एरिया, बंधेश्वर मंदिर के पास, गांव हडमताला, तालुका कोटडा सांगानी, जिला राजकोट, गुजरात-360030	निमज्जय पम्पसेट	8034	0	0	2002
19.	3852773	18 जुलाई 2012	केप्टन पाइप्स प्राइवेट लिमिटेड, सर्वे नम्बर 257, प्लोट नम्बर 23 से 28, राष्ट्रीय राजमार्ग 8बी, शापर बेरावल, तालुका कोटडा सांगानी, जिला राजकोट, गुजरात	बोर नलकूपों के लिए अनभ्यक्त पी बी सी जाली और आवरण पाइप	12818	0	0	2010
20.	3852874	18 जुलाई 2012	प्रीज्म इरीगेशन प्राइवेट लिमिटेड, प्लोट नम्बर 8 & 9, जी आई डी सी, रेलवे स्टेशन के सामने, अमरेली, गुजरात-365601	जल आपूर्ति हेतु उच्च घनत्व पॉलीइथाइलीन पाइप	4984	0	0	1995
21.	3852975	20 जुलाई 2012	आस्था ज्वेलर्स, डेरसर रोड टंकारा, जिला राजकोट, गुजरात	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्प शुद्धता एवं मुहरांकन	1417	0	0	1999

1	2	3	4	5	6	7	8	9
22. 3853068	20 जुलाई 2012	व्ही गीरीराज ज्वेलर्स, मैन बाजार चांदनी चौक, जामकंदोरा, जिला राजकोट, गुजरात-360405	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्प शुद्धता एवं मुहरांकन	1417	0	0	1999	
23. 3853169	20 जुलाई 2012	बालकृष्ण ज्वेलर्स, श्री हरि कृपा सिनेमा रोड, पी. ओ. माणिकपुर, जिला जुनागढ़, गुजरात-362631	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्प शुद्धता एवं मुहरांकन	1417	0	0	1999	
24. 3853775	20 जुलाई 2012	हितेश इन्डस्ट्रीज, जीआईडीसी प्लोट नम्बर 2531, लोधीका मेटोडा, जिला राजकोट, गुजरात-360021	सुबाहय अग्नि शामक- कार्यकारिता और निर्माण	15683	0	0	2006	
25. 3854474	24 जुलाई 2012	धनानी रबड़ इन्डस्ट्रीज, सी 1718, एम पी शाह इन्डस्ट्रीयल एस्टेट, सरू सेक्शन रोड, जमनगर, गुजरात-361002	स्वचल वाहन-वायवीय टायरों के लिए ट्यूब	13098	0	0	1991	
26. 3854777	25 जुलाई 2012	अमृत हेल्थ केंद्र, मांव पीपलीया, पीपलीया चार रास्ता, धरम भाक्ति एस्टेट, प्लोट नं. 33, तालुका मोरबी, जिला राजकोट, गुजरात	पैकेजबन्द पेय जल (पैकेजबन्द प्राकृतिक मिनरल जल के अलावा)	14543	0	0	2004	
27. 3854979	25 जुलाई, 2012	श्रृंगार ज्वेलर्स, बागेश्वर रोड, बागेश्वर मंदिर के पास, बागसरा, जिला अमरेली, गुजरात-365440	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्प शुद्धता एवं मुहरांकन	1417	0	0	1999	
28. 3855072	25 जुलाई, 2012	स्वर्ण सागर ज्वेलर्स, शराफ बाजार, धोराजी, जिला राजकोट, गुजरात-360410	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्प शुद्धता एवं मुहरांकन	1417	0	0	1999	
29. 3855173	25 जुलाई, 2012	सोनी बासान्जी देवजी, सुखनाथ रोड, सोनी बाजार, पी.ओ. उपलेटा, जिला राजकोट, गुजरात-360490	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्प शुद्धता एवं मुहरांकन	1417	0	0	1999	

1	2	3	4	5	6	7	8	9
30.	3856478	30 जुलाई, 2012	मोनो स्टील इंडिया लिमिटेड, सर्वे नम्बर 374, 3971, 3972, 398 और 3961 पाईकी 2, धामडका, तालुका अंजार, जिला कच्छ, गुजरात-370110	सामान्य संरचना इस्पात में पुनर्वस्त्रन के लिये कार्बन ढलवां इस्पात बिलेट इंगट बिलेट ब्लूम और स्लैब	2830	0	0	2012

[सं. केन्द्रीय प्रमाणन विभाग/13 : 11]

एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 20th December, 2012

S.O. 3634.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certificate) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below in the following schedule :

## SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and address of the party	Title of the Standard	IS No.	Part.	Sec	Year
1	2	3	4	5	6	7	8	9
01.	3847174	03-07-2012	M/s. Amar Steel Industries, Survey No. 55, Bhavnagar- Rajkot Highway, P.O. Khakhariya, Taluka Sihor, District Bhavnagar, Gujarat	High strength deformed steel bars and wires for concrete reinforcement	1786	0	0	2008
02.	3847275	03-07-2012	M/s. Jeevandeep Ceramics, Navagam Road, Village Thangadh, Taluka Chotila, District Surendranagar, Gujarat-363530	Vitreous Sanitary Appliances (Vitreous China)- Specification-Part 3 : Specific Requirements of Squatting Pans	2556	3	0	2004
03.	3847376	03-07-2012	M/s. Darshan Art Jewellers, Vishal Complex, Shop No. 7, Mavdi Main Road, Rajkot, Gujarat-360004	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999
04.	3847982	03-07-2012	M/s. Aditya Ultra Steel Private Limited, Survey No. 48, N.H. 8-A. Near Wankaner Boudary, At. Bhalgam, Taluka Wankaner, Distt. Rajkot, Gujarat-363621	High strength deformed steel bars and wires for concrete reinforcement	1786	0	0	2008
05.	3848075	06-07-2012	M/s. Jay Cement Industries, Survey No. 48-49, Plot No. 9, Village : Jamvadi, Taluka Gondal, District Rajkot, Gujarat-360370	53 grade ordinary Portland cement	12269	0	0	1987

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1	2	3	4	5	6	7	8	9
06.	3849380	09-07-2012	M/s. D. N. Jewellers, Opposite Dhoraji, Gate M.G Road, Jetpur, District : Rajkot, Gujarat-360370	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999
07.	3849481	09-07-2012	M/s. Tirupati Jewellers, Opposite Hirak Bag Station Road, Amreli, Gujarat-365601	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999
08.	3849582	09-07-2012	M/s. Satyam Jewellers, Zaveri Bazar, Jamkhambhaliya, District : Jamnagar Gujarat	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999
09.	3849885	10-07-2012	M/s. Mayur Straps & Packaging Industries, Survey No. 179, Near Everest Fertilizer, Opposite Atul Auto Ltd., N.H. 8B, Veraval (Shapar), District Rajkot, Gujarat-360024	Polyester strapping Specification	15559	0	0	2004
10.	3850365	12-07-2012	M/s. Rikon Industries, Plot Nos. 3, 4, 5, Silver Park, Near Hanuman Temple, Opposite Krishna Park Hotel, Gondal Raod, Rajkot, Gujarat-360004	Submersible Pumpsets- Specification	8034	0	0	2002
11.	3850466	12-07-2012	Century Electrical Company, 2-Umakant Udhyognagar, Mavdi Plot, Rajkot, Gujarat-360004	Submersible Pumpsets- Specification	8034	0	0	2002
12.	3850567	12-07-2012	M/s. Narmada Industries, Shed No. 1/2, Street No. 3, Sahjanand Industrial Estate, Near Kishan Gaushala, Behind Murlidhar Waybridge, N.H. 8-B, Rajkot, Gujarat-360003	Submersible Pumpsets- Specification	8034	0	0	2002
13.	3850668	12-07-2012	M/s. Falcon Pumps Pvt. Ltd. Survey No. 39/4, Vavdi Industrial Area, Behind Krishna Park, At Vavdi, Rajkot, Gujarat-360004	Motors for Submersible Pumpsets- Specification	9283	0	0	1995
14.	3850971	13-07-2012	M/s. Nissan Pumps, Plot No. 62, Survey No. 203, Golden Industrial Area, Behind Rolex Rings, Village Kothariya, Rajkot, Gujarat-360003	Openwell Submersible Pumpsets- Specification	14420	0	0	1994

1	2	3	4	5	6	7	8	9
15.	3851064	13-07-2012	M/s. Nissan Pumps, Plot No. 62, Survey No. 203, Golden Industrial Area, Behind Rolex Rings, Village Kothariya, Rajkot, Gujarat-360003	Submersible Pumpsets- Specification	8034	0	0	2002
16.	3851872	16-07-2012	M/s. Shreeji Cable Industries, Behind Galaxy Chain, Village Shapar, Taluka Kotda Sangani, District Rajkot, Gujarat-360024	PVC Insulated cables for working voltages upto and including 1100 V	694	0	0	1990
17.	3852167	17-07-2012	M/s. Fusion Pumps Private Limited, Plot No. 7 & 8, Survey No. 54, Hadamatala Industrial Area, Near Vandheshwar Temple, Village Hadamatala, Taluka Kotda Sangani, District Rajkot, Gujarat-360030	Openwell Submersible Pumpsets Specification	14420	0	0	1994
18.	3852268	17-07-2012	M/s. Fusion Pumps Private Limited, Plot No. 7 & 8, Survey No. 54, Hadamatala Industrial Area, Near Vandheshwar Temple, Village Hadamatala, Taluka Kotda Sangani, District Rajkot, Gujarat-360030	Submersible Pump- sets Specification	8034	0	0	2002
19.	3852773	18-07-2012	M/s. Captain Pipes Pvt. Ltd., Survey No. 257, Plot No. 23 to 28, N.H. 8-B, Shapar (Veraval), Taluka Kotda Sangani, District Rajkot, Gujarat	Unplasticized PVC screen and casing pipes for bore/tubewell	12818	0	0	2010
20.	3852874	18-07-2012	Prism Irrigation Pvt. Ltd., Plot No. 8 & 9, GIDC, Opposite Railway Station, District : Amreli, Gujarat-365601	High density polye- thylene pipes for potable water supplies	4984	0	0	1995
21.	3852975	20-07-2012	M/s. Astha Jewellers, Derasar Road, Tankara, District : Rajkot, Gujarat	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999
22.	3853068	20-07-2012	M/s. New Giriraj Jewellers, Main Bazar, Chandni Chowk, Jamkandorana, District : Rajkot, Gujarat-360405	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999
23.	3853169	20-07-2012	M/s. Balkrushna Jewellers, Shri Hari Krupa, Cinema Road, P.O. Manavadar, Manavadar, District : Junagadh, Gujarat-362630	Gold and Gold Alloys, Jewellery/Artefacts- Fineness and Marking- Specification	1417	0	0	1999

1	2	3	4	5	6	7	8	9
24.	3853775	20-07-2012	M/s.Hitesh Industries, GIDC, Plot No. G-2531, Lodhika, Metoda, District : Rajkot, Gujarat-360021	Portable Fire Extinguishers-Performance and Construction-Specification	15683	0	0	2006
25.	3854474	24-07-2012	M/s.Dhanani Rubber Industries, C-17/18, M.P. Shah Industrial Estate, Saru Section Road, Jamnagar, Gujarat-361002	Automotive Vehicles-Tubes for Pneumatic Tyres-Specification	13098	0	0	1991
26.	3854777	25-07-2012	M/s.Amrut Health Care, Village Pipaliya, Near Pipaliya Charrasta, Dharam Bhakti Estate, Plot No. 33, Taluka Morbi, District Rajkot, Gujarat-360024	Packaged Drinking Water (Other than packaged Natural Mineral Water)-Specification	14543	0	0	2004
27.	3854979	25-07-2012	M/s.Shrungar Jewellers, Bageshwer Road, Near Bageshwer Temple, Bagasara, District : Amreli, Gujarat-365440	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification	1417	0	0	1999
28.	3855072	25-07-2012	M/s. Swarn Sagar Jewellers, Saraf Bazar, Dhoraji, District : Rajkot, Gujarat-360410	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification	1417	0	0	1999
29.	3855173	25-07-2012	M/s.Soni Vasanji Devji, Sukhnath Road, Soni Bazar, P.O. Upleta, District : Rajoiit, Gujarat-360490	Gold and Gold Alloys, Jewellery/Artefacts-Fineness and Marking-Specification	1417	0	0	1999
30.	3856478	30-07-2012	M/s. Mono Steel (India) Ltd., Survey No. 374, 397/1, 397/2, 398 & 396/1, Paiki 2, Dhamdaka, Taluka Anjar, District : Kachchh, Gujarat-370110	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	2830	0	0	2012

[No. CMD/13 : 11]

M. RADHAKRISHNA, Scientist 'F' &amp; Head

नई दिल्ली, 20 दिसम्बर, 2012

का. आ. 3635.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 4 के उपविनियम 5 के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस रद्द किए गए हैं :

## अनुसूची

क्र.सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्दीकरण तिथि
1	7517274	अमुल इंजीनियर्स, 17, सम्राट इन्डस्ट्रीयल एरीया, गोकुलधाम मेन रोड, सागर एस्टेट गली, राजकोट, गुजरात-360004	निमज्जनीय पम्प सेट	18-7-2012

[सं. केन्द्रीय प्रमाणन विभाग/13 : 11]

एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख



New Delhi, the 20th December, 2012

**S.O. 3635.**—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certificate) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given below have cancelled/suspended with effect from the date indicated against each :

**SCHEDULE**

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
1.	7517274	M/s. Amul Engineers, 17, Samrat Industrial Area, Gokuldham Main Road, Sagar Estate Street, Rajkot, Gujarat-360004	Submersible Pumpsets- Specification	18-7-2012

[No. CMD/13 : 11]

M. RADHAKRISHNA, Scientist 'F' &amp; Head

**कोयला मंत्रालय**

नई दिल्ली, 17 दिसम्बर, 2012

का. आ. 3636.—केन्द्रीय सरकार को यह प्रतीत होता है कि, इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

और रेखांक संख्या एनसीएल/मुख्यालय/राजस्व/2012/66, तारीख 19 अप्रैल, 2012 को उक्त अनुसूची में वर्णित भूमि का क्षेत्र अन्तर्विष्ट किया गया है, का निरीक्षण महाप्रबंधक (राजस्व/पुनर्स्थापन एवं पुनर्स्थापन), नार्दन कोलफील्ड्स लिमिटेड, सिंगरौली पिन-486889, मध्य प्रदेश के कार्यालय में या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माईन प्लानिंग और डिजाइन इंस्टीट्यूट गोंडवाना प्लेस, कांके रोड, रांची के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर सिंगरौली मध्य प्रदेश के कार्यालय में किया जा सकता है।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति—

- अधिनियम की धारा 6 के अधीन धारित किसी नुकसानी या उसकी धारा 4 की उपधारा (3) के अधीन धारित होने वाले नुकसान की संभावना के लिए प्रतिकर का दावा कर सकेगा;
- अधिनियम की धारा 13 की उप-धारा (1) के अधीन समाप्त हो गई पूर्वक्षण अनुज्ञप्तियों के संबंध में या धारा 13 की उप-धारा (4) के अधीन समाप्त हो गए खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मदों के संबंध में उपगत व्यय को उपदर्शित करने के लिए भूमि से संबंधित सभी मानचित्रों, चार्टों और अन्य दस्तावेजों को सुपुर्द करेगा।

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर, महाप्रबंधक (राजस्व/पुनर्वास एवं पुनर्स्थापन), नार्दन कोलफील्ड्स, लिमिटेड, सिंगरौली पिन-486889, मध्य प्रदेश को भेजेगे।

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## अनुसूची

## बीना-ककरी एकीकरण ओपनकास्ट परियोजना

(चंदेला, टिप्पा झरिया, रूहेला, मरक और उत्तर प्रदेश ब्लाक, जीओलाजिकल ब्लॉक्स)

नार्दन कोलफील्ड्स लिमिटेड, सिंगरौली

जिला सिंगरौली (मध्य प्रदेश)

(रेखांक संख्या एनसीएल/मुख्यालय/राजस्व/2012/66, तारीख 19 अप्रैल, 2012)

क्रम सं.	गांव का नाम	पट्टाकारी सर्फिल संख्या	तहसील	जिला	क्षेत्रफल हेक्टेयर में (लगभग)	क्षेत्रफल एकड़ में (लगभग)	टिप्पणी
1	2	3	4	5	6	7	8
1.	चूरीदह	60	सिंगरौली	सिंगरौली (म.प्र.)	132.00	326.17	भाग
2.	झिगुरदा	60	सिंगरौली	सिंगरौली (म.प्र.)	48.00	118.61	भाग
कुल क्षेत्रफल					180.00	444.78	
					(लगभग)	(लगभग)	

## सीमा वर्णन :

- क-ख रेखा ग्राम करवारी और झिगुरदा की उभयनिष्ठ सीमा के बिन्दु "क" से आरम्भ होती है, और ग्राम झिगुरदा से होकर गुजरती है तथा बिन्दु "ख" पर मिलती है।
- ख-ग रेखा बिन्दु "ख" से आरम्भ होती है, और ग्राम झिगुरदा तथा चूरीदह व पुनः ग्राम झिगुरदा से होकर गुजरती है तथा बिन्दु "ग" पर मिलती है।
- ग-घ रेखा बिन्दु "ग" से आरम्भ होती है, और ग्राम झिगुरदा से होकर गुजरती है तथा मध्य प्रदेश राज्य और उत्तर प्रदेश राज्य की उभयनिष्ठ सीमा के बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा बिन्दु "घ" से आरम्भ होती है, तथा मध्य प्रदेश राज्य और उत्तर प्रदेश राज्य की उभयनिष्ठ सीमा से होकर गुजरती है तथा बिन्दु "ङ" पर मिलती है।
- ङ-क रेखा बिन्दु "ङ" से आरम्भ होती है और ग्राम चूरीदह तथा ग्राम झिगुरदा और ग्राम करवारी की उभयनिष्ठ सीमा पर से होकर जाती है और यही लाइन पूर्व अर्जित दुधीचुआ ब्लाक-1 की अर्जित सीमा पर से होकर गुजरती है तथा आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/7/2012-पीआरआईडब्ल्यू-1]

वी. एस. राणा, अवर सचिव

## MINISTRY OF COAL

New Delhi, the 17th December, 2012

S.O. 3636.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality described in the Schedule annexed hereto;

And whereas, the plan bearing number NCL/HQ/Revenue/2012/66, dated the 19th April, 2012 containing details of the area of land described in the said Schedule may be inspected at the office of the General Manager (Revenue/Rehabilitation

and Resettlement), Northern Coalfields Limited, Singrauli Pin-486889, Madhya Pradesh or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, Singrauli, Madhya Pradesh;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from the land described in the said Schedule.

Any person interested in the land described in the said Schedule may :

- (i) claim compensation under section 6 of the Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 thereof;
- (ii) claim compensation under sub-section (1) of section 13 of the Act in respect of prospecting licenses ceasing to have effect or under sub-section (4) of section 13 of the Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act,

to the office of the General Manager (Revenue/Rehabilitation and Resettlement), Northern Coalfields Limited, Singrauli Pin-486889, Madhya Pradesh, within a period of ninety days from the date of the publication of this notification.

### SCHEDULE

Bina Kakri Amalgamation Opencast Project  
(Chandela, Tipa Jharia, Ruhela, Marrak and Uttar Pradesh Block, Geological Blocks)  
Northern Coalfields Limited, Singrauli  
District-Singrauli (Madhya Pradesh)

(Plan bearing number NCL/HQ/Revenue/2012/66, dated the 19th April, 2012)

Sl. No.	Name of Village	Patwari Circle number	Tahsil	District	Area in hectares (approximately)	Area in acres (approximately)	Remarks
1	2	3	4	5	6	7	8
1.	Churidah	60	Singrauli	Singrauli (M.P.)	132.00	326.17	Part
2.	Jhingurda	60	Sngrauli	Singrauli (M.P.)	48.00	118.61	Part
Total Area :					180.00	444.78	
					(approximately)	(approximately)	

#### Boundary Description :

- A—B The line starts from common village boundary of village Karwari and Jhingurda from point 'A' and passes through village Jhingurda and meets at point 'B'.
- B—C Line starts from point 'B' and passes through Village Jhingurda and Churdah again passes through village Jhingurda and meets at point 'C'.
- C—D Line starts from point 'C' and passes through village Jhingurda and meets on common State boundary of Madhya Pradesh and Uttar Pradesh at point 'D'.
- D—E Line starts from point 'D' and passes through common State boundary of Madhya Pradesh and Uttar Pradesh, and meets at point 'E'.
- E—A Line starts from point 'E' and passes through village Churdah and through common village bundary of village Karwari and Jhingurda and the same line passes over the previously acquired boundary of Dudhichua Block-I and meets at starting point 'A'.

[F. No. 43015/7/2012-PRIW-I]

V. S. RANA, Under Secy.

**श्रम और रोजगार मंत्रालय**

नई दिल्ली, 23 नवम्बर, 2012

**क्र. आ. 3637.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाद (संदर्भ संख्या 4/06) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-11-2012 को प्राप्त हुआ था।

[सं. एल-12012/670/98-आई आर (बी-1)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 23rd November, 2012

**S.O. 3637.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/06) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, which was received by the Central Government on 22-11-2012.

[No. L-12012/670/98-IR (B-I)]

SURENDRA KUMAR, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

No. CGIT/LC/R/4/06

Presiding Officer : Shri Mohd. Shakir Hasan

General Secretary,  
SBI Workman Union,  
C/o Shri C. P. Hunka, B-20,  
Vasundhara State Bank Colony,  
Jhangirabad, Bhopal

... Workman/Union

Versus

The Chief General Manager,  
State Bank of India,  
Local Head Office,  
Hoshangabad Road,  
Bhopal

... Management

**AWARD**

Passed on this 8th day of November, 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/670/98-IR (B-I) dated

4th January, 2006 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Chief General Manager, State Bank of India, Local Head Office, Bhopal treating the date of birth of Shri Prem Kanth Bajpai as 15-1-39 instead of 15-1-43 is correct or not ? If not, what relief the applicant is entitled to ?"

2. The case of the Union/workmen in short is that the workman Shri Premkanth Bajpai was appointed in the management Bank on the basis of Ex-Servicemen of the army and in the discharge certificate the approximate age of 21 years was recorded. In the service book of the bank, his date of birth was wrongly recorded as 15-1-1939 instead of his actual date of birth as 15-1-1943. It is stated that he entered into the army service at the age of 17 years but the age was recorded approximately as 21 years. He had given representation to the Branch Manager on 30-8-90 along with matriculation certificate for correction of his age. Again he represented on 8-7-91 for correction of his age to the authority but the age was not corrected. His service was extended for two years vide order dated 12-12-1996 and therefore he retired on 15-1-1999 instead of 15-1-1943 on attaining the age of 60 years. It is submitted that the management be directed to rectify his date of birth as 15-1-1943 and to pay the salary and other benefits till the date of retirement i.e. till 15-1-1943.

3. The management appeared and filed Written Statement. The case of the management inter alia is that the workman was Ex-Military serviceman and joined in the Army on 15-1-1960 at the age of 21 years. He was discharged from the Military Service on 8-10-1967. He made an application for appointment in the Bank in the year 1972. He was offered appointment and joined on 10-3-1972 on the post of watchman. Subsequently he was promoted as Record keeper. Thereafter he was converted to the post of clerk. It is stated that on the basis of discharge certificate issued by the Defence Department, his date of birth was recorded as 15-1-1939. He did not raise the dispute about twenty years and for the first time raised dispute of date of birth on 19-6-1992. The Competent Authority considered his case and rejected the same vide order dated 19-5-92 and was conveyed to him. He himself made an application on 12-12-1996 for grant of extension in service for two years from 15-1-1997 which was granted to him. It is stated that if the date of birth is taken to be 15-1-1993, he could be only 17 years of age at the time of entry into the Military Service in the year 1960. He had also given option at the time of in-cadre promotion indicating his age as 15-1-1939. It is submitted that there is no merit in the case of the workman and the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication :—

I. Whether the action of the management treating the date of birth as 15-1-1939 instead of 15-1-1943 is correct or not ?

II. To what relief the workman is entitled ?

5. Issue No. I :

To prove his case, the workman has adduced oral and documentary evidence. The workman Shri Prem Kanth Bajpai has supported his case in examination-in-chief. He has stated at para 2 that he was appointed in the Military Service in the year 1960 and he was medically examined and his date of birth was recorded in the service book as 1939. He has further stated that he raised dispute for the time in 1990. He was appointed in the Bank in the year 1972. This shows that he raised dispute of age after a belated stage of about eighteen years. The management has filed discharge certificate of the Military which is marked as Exhibit M/6. The said certificate shows that his age was 21 years in 1960 at the time of entry into the Military service. There is no reason to disbelieve this certificate. His claim of correction of date of birth appears to be not probable because if the date of birth as 15-1-1943 is accepted, then at the time of entry in the Military service, he was minor of the age of 17 years. This aspect also shows that his case is not fit to be accepted and the date of birth recorded in the records are correct.

6. The workman has filed a letter dated 21-1-97 of the Branch Manager which is admitted by the management and is marked as Exhibit W/1. This letter shows that his service was extended to two years and the date of retirement was extended from 15-1-97 to 15-1-99. The workman had accepted the extension and completed his service till 15-1-1999. This shows that the workman had already accepted his age on rejection of his representation by the Competent Authority.

7. On the other hand the management has also examined oral and documentary evidence. The management witness Shri Avinash Ramchandra pawed is working as Asstt. General Manager (Adm.) SBI, Bhopal. He has supported the case of the management. He has stated that the workman was Ex-Serviceman of the Army. He was recruited in the Army on 15-1-1960 and was discharged on 8-10-1967. He has made an application in the bank in 1972 and was offered appointment. He joined the post on 10-3-1972. These all facts are not denied. He reached the age of superannuation on 15-1-1997 and on his application, his service was extended for two year till 15-1-99. He has further stated that on the basis of discharge certificate of the Military service, his age was recorded in the service book as 15-1-1939. He did not raise dispute for twenty years and raised for the first time on 19-5-1992. He was conveyed vide letter dated 28-5-93 about rejection of

representation by the Competent Authority. He has proved the documents which are marked as Exhibit M/8 to M/11 series. His evidence is un rebutted. There is no reason to disbelieve his evidence. The management has also adduced documentary evidence in the case. Exhibit M/1 is the application dated 12-12-96 of the workman. This application is admitted by him. This is filed to show that he had requested for extension of his service for two years. This itself shows that he had accepted the date of birth as such he was going to retire and sought for extension. Exhibit M/2 is the letter dated 28-5-92 of the management which is admitted by the workman. This is filed to show that his representation for correction of his date of birth was rejected by the Competent Authority. Exhibit M/3 is another letter dated 24-5-93 of the management. This is also admitted by the workman. This is also filed to show that his representation was considered and was rejected. Exhibit M/4 is the reply dated 27-5-93 of the workman on rejection of his representation. Exhibits M/5 is the letter dated 8-10-82 of the Mehar Regiment, Sangor (MP) to the workman whereby he was informed that his age was 21 years as on 15-1-1960 as per record of the Military. This document clearly shows that on the basis of appointment in the Military service, his date of birth was 15-1-1939. This shows that he had knowledge in the year 1982 that his age was recorded as 21 years in 1960 but did not raise any dispute immediately. Exhibit M/6 is the service record of the Military service. This also shows that his age is recorded as 21 years on the date of appointment in the service. Exhibit M/7 series clearly shows that the workman has himself given the date of retirement as 15-1-99 which is corresponding to his date of birth as 15-1-1939. Exhibit M/8 is the service record of the Bank. This also shows that his date of birth is recorded as 15-1-1939. Thus the documentary evidence clearly show that his date of birth is 15-1-1939 and he was rightly retired on 15-1-99 after attaining the age of 60 years.

8. The learned counsel for the management argued that the workman raised the dispute of age after about 20 years. It is submitted that the Hon'ble Supreme Court held that the claim of correction of date of birth at belated stage cannot be entertained. He has relied the decision reported in (1996) 7 S.C.C. 421 Union of India Vrs. Ram Suia Sharma wherein the Hon'ble Apex Court held that :

"The controversy raised in this appeal is no longer res integra. In a series of judgements, this Court has held that a Court or Tribunal at the belated stage cannot entertain a claim for the correction of the date of birth duly entered in the service records. Admittedly, the respondent had joined the service on 16-12-1962. After 25 years, he woke up and claimed that his correct date of birth is 2-1-1939 and not 16-12-1934. That claim was accepted by the Tribunal and it directed the Government to consider the correction. The direction is per se illegal."

4549 GI/12-7

Thus it is clear that the management had rightly rejected to entertain the correction of age. Moreover the documentary evidence also shows that there is no illegality in the action of the management. This issue is decided against the workman and in favour of the management.

**9. Issue No. II :**

Considering the discussion made above, it is clear that the workman is not entitled to any relief. The reference is accordingly answered.

10. In the result, the award is passed without any order to costs.

**MOHD. SHAKIR HASAN**, Presiding Officer

नई दिल्ली, 23 नवम्बर, 2012

का. आ. 3638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण-पूर्व रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 75/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-11-2012 को प्राप्त हुआ था।

[सं. एल-41011/49/95-आई आर (बी-1)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 23rd November, 2012

**S.O. 3638.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 75/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, which was received by the Central Government on 22-11-2012.

[No. L-41011/49/95-IR (B-I)]

**SURENDRA KUMAR**, Section Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

No. CGIT/LC/R/75/97

Presiding Officer : Shri Mohd. Shakir Hasan

The Divisional President,  
All India Loco Running Staff  
Association,  
Bilaspur (MP)

... Workmen/Union

Versus

The Divisional Railway Manager,  
S.E. Railway,  
Bilaspur (MP)

... Management

**AWARD**

Passed on this 7th day of November, 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-41011/49/95-IR (B-I) dated 5-3-97 has referred the following dispute for adjudication by this tribunal :

"Whether the demand of All India Loco Running Staff Association/S/Shri R. S. Singh, L. Joseph, Govind Das, Budhwar Singh, S. K. Chakraborty, John Rayappa, C. H. Prakash and C. H. K. Rao for considering Loco Foreman, LID of SE Railway, Bilaspur as Loco Running Supervisors and fixation of their scale in the revised scale of Rs. 2000-3200 (4th Pay Commission Recommendation) w.e.f. 1-1-1986 is justified ? If so, to what relief the workmen's are entitled to and what should be the details ?"

2. The case of the Union/workmen in short is that the workmen were Loco Running Supervisors employed in Bilaspur Division of SE Railway. The Railway Board issued a revised pay scale applicable to the Loco Running Supervisors as recommended by the 4th Central Pay Commission. The pay scale was implemented w.e.f. 1-1-86. The pay scale of various categories of the Loco Running Supervisors was clarified on 14-3-87. These workmen became eligible for the scale of Rs. 2000-3200 (RPS) w.e.f. 1-1-86. This scale was introduced and implemented except Bilaspur Division of SE. Railway. Their scale was arbitrarily fixed in lower scale of Rs. 1600-2660 and Rs. 1400-2300 which was not the scale of Loco Running Supervisors. The workmen raised the dispute departmentally but when it was failed, the dispute was raised before the Asstt. Labour Commissioner (C), Bilaspur but it also failed subsequently. It is stated that when the workers agitated, then management ultimately offered the scale of Rs. 2000-3200 (RSP) to the workmen, accepting them as Running Supervisors in the year 1996 with prospective effect but did not pay the arrears w.e.f. 1-1-86 because of the earlier nature of job. It is submitted that the management be directed to fix the pay in the scale of Rs. 2000-3200 (RPS) w.e.f. 1-1-86 and to pay the arrears there-from.

3. The management appeared and filed Written Statement in the case. The case of the management inter-alia is that the reference case is barred by the principle of resjudicata. It is stated that the workmen/applicant has claimed the same relief which was already decided on merit by the Hon'ble Central Administrative Tribunal, Jabalpur in OA 819/91 and OA 832/91. The subject matter of the suit is identical and relief is same. The further case of the management is that these workmen were Shed Foreman,



Shedman and Running Shed Supervisors but they were not running supervisors as designated in Schedule B of Annexure. They were not covered in 4th Pay Commission. The workmen were correctly given the pay scale of Rs. 1400-3200 (RPS) and Rs. 1600-2660 (RPS) as per the replacement grade. However the matter was referred to the Railway Board for its clarification and it was clarified that the Shedman, Shed Foreman, Running Shed Supervisors and Loco Inspector are not entitled for the scale of Rs. 2000-3200 (RPS). It is stated that due to closure of the stream Loco Shed, the maximum number of staffs have been re-deployed in running group (C&W) and Diesel wings. The shed foreman were not eligible for the promotion to the post of running supervisory. But they had been allowed for promotion to the post of Loco Running Supervisory in the scale of Rs. 2000-3200 (RPS). Except the workman Shri S. K. Chakraborty, rest were given promotion as Loco Inspector in the scale of Rs. 2000-3200 (RPS) after due selection by the Selection Committee after 1996. The matter was re-examined by the Railway Board for allotment of their pay scale from 1-1-86 but the Board clarified and not granted the said pay scale w.e.f. 1-1-86. It is submitted that the workmen are not entitled to any relief.

4. On the basis of the pleadings of the parties, the following issues are settled for adjudication :—

I. Whether the case is maintainable?

II. Whether the demand of the Union for considering Loco Foreman, LID of SE. Railway, Bilaspur as Loco Running Supervisors and fixation of their scale in revised scale of Rs. 2000-3200 w.e.f. 1-1-1986 is justified?

III. To what relief the workmen are entitled to?

#### 5. Issue No. I:

Now the important point for consideration is as to whether the case is tenable or not. According to the management, the workmen had claimed the same relief before the Hon'ble Central Administration Tribunal, Jabalpur and the same was already decided on merit. The management has filed copy of the judgment dated 3-12-92 passed in O.A. No. 819/91 and judgment dated 19-5-93 passed in O.A. No. 832/91. The judgment dated 3-12-91 shows that the workman Chandra Prakash was Loco Inspector (D) and other four workmen were Shed Foreman at SE Railway, Bilaspur and they claimed the pay scale of Rs. 2000-3200 on the basis of recommendation of IVth PA commission. This shows that the same fact and same relief was pending before the Competent Court and it was finally decided. The Hon'ble Tribunal dismissed the petition with a direction to the Railway Board to pass an order in the light of the observation made in the body of the judgment. The judgment dated 19-5-93 passed in O.A. No. 832/91 also shows that the workman Chaudhary K. Rao and others,

who were Shed Foreman, had raised the same dispute with same relief. The said case was dismissed with similar direction. The management has filed the compliance order dated 30-9-93 whereby the Railway Board passed the reasoned order on the direction of the Hon'ble Tribunal. Thus it is clear that the dispute was raised in CAT, Jabalpur and it was decided on merit. This shows that the case is not tenable. This issue is decided against the Union/Workman and in favour of the management.

#### 6. Issue No. II:

On the basis of the discussion made above, it is clear that to raise the same demand subsequently in this forum appears to be not justified. The Union has adduced evidence in the case. The Union witness Shri John Rajappa has stated that his claim is mainly for revision of scale on recommendation of 4th and 5th Pay Revision Commissions. He has admitted that he was working as Shed Foreman. He has further admitted that he had filed a case before the CAT Jabalpur for the same purpose and this case is also for the same purpose. His evidence also shows that the matter was already decided by the Competent Court.

7. The management has also examined one witness. The management witness Shri R. Shankaran is working as Assistant Personnel Officer, S.E. Railway, Bilaspur. He has also supported that the dispute was raised by the workmen before the CAT, Jabalpur which was identical to this case and the application was decided on merit. There is nothing in his evidence to disbelieve this witness in view of the admission that the matter was already decided earlier on merit. It appears that the demand of the Union/Workmen is not justified. This issue is also decided against the Union/Workmen and in favour of the management.

#### 8. Issue No. III:

It is evident that the workmen are not entitled to any relief. The reference is accordingly answered.

9. In the result, the award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 26 नवम्बर, 2012

का. आ. 3639.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्लुएन एविएशन लिमिटेड एवं किंगफिशर एयरलाइन्स लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं.-II, नई दिल्ली के पंचाट (आई डी संख्या 8/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-11-2012 को प्राप्त हुआ था।

[सं. एल-11012/7/2009-आई आर (सीएम-1)]

अजीत कुमार, अनुभाग अधिकारी

New Delhi, the 26th November, 2012

**S.O. 3639.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2009) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Deccan Aviation Ltd. & M/s. Kingfisher Airlines Ltd. and their workman, received by the Central Government on 26-11-2012.

[No. L-11012/7/2009-IR (CM-I)]  
AJEET KUMAR, Section Officer

#### ANNEXURE

**IN THE COURT OF SHRI SATNAM SINGH,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
ROOM NO. 33, BLOCK-A, GROUND FLOOR,  
KARKARDOOMA COURTS COMPLEX,  
KARKARDOOMA, DELHI-110032**

I.D. No. 08/2009

In the matter between :

Ms Sarita Tiwari, D/o Shri Hari Ram Tiwari,  
H-7, Palika Niwas, Lodhi Road,  
New Delhi-110003

... Workman

Versus

1. The Engineering Manager,  
M/s Deccan Aviation Ltd.  
(now M/s Deccan Charter Limited),  
Hanger No. 2, Domestic Airport,  
Palam Airport,  
New Delhi-110092

2. The Manager (HR),  
M/s Kingfisher Airlines Ltd., UB Group,  
UB House, F-44, South Extn.-I,  
New Delhi-110049

... Management

#### EXPARTE AWARD

The Central Government, Ministry of Labour vide Order No. L-11012/07/2009-IR (CM-I) dated 18-2-2009 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether on the facts and circumstances, Ms Sarita Tiwari is a workman under the ID Act, 1947 ? (ii) If so whether the action of the management of M/s Deccan Aviation Limited (now Kingfisher Airlines Limited) in terminating the services of Ms. Sarita Tiwari, AME Trainee w.e.f. 9-8-2007 is justified and legal ? (iii) To what relief is Ms. Sarita Tiwari entitled ?”

Subsequently, corrigendum dated 16-2-2012 was received which is as under :

“Whether on the facts and circumstances, Ms Sarita Tiwari is a workman under the ID Act, 1947 ? (ii) If so whether the action of the management of M/s Deccan Aviation Limited (now M/s Deccan Charter Limited) in terminating the services of Ms. Sarita Tiwari, AME Trainee w.e.f. 9-8-2007 is justified and legal ? (iii) To what relief is Ms. Sarita Tiwari entitled ?”

2. The case of the claimant as set out in the statement of claim is that she was appointed as AME Trainee with effect from 1-8-2006 and was working honestly and with full dedication. She was drawing Rs. 15000 per month and after compulsory deductions was getting Rs. 14020 per month. That Mr. G C. Shukla, Dy. QCM kept jealous attitude towards the claimant and wanted to hurt her financially as well as mentally. On his instigation Mr. Aditya Prakash, Engg. Manager issued IOM dated 7-8-2007 alleging misbehaviour with senior AME Mr. Akhilesh Kumar and asked the claimant to give her explanation in writing regarding her ill behaviour within a week's time i.e. upto 14-8-2007. The copy of IOM dated 7-8-2007 has annexed as Annexure A.

3. The management, however, did not wait for the week's time for receiving the explanation and terminated her services on 9-8-2007 without following the principles of natural justice. The copy of the termination order dated 9-8-2007 has been filed as Annexure B.

4. That the termination of Ms. Sarita Tiwari with effect from 9-8-2007 is based on alleged misconduct and so her services could not be terminated arbitrarily, unjustifiably and without any explanation and without conducting domestic enquiry on the alleged misconduct. The action of the management shows high handedness and proves that she was being harassed by Mr. G C. Shukla, Dy. QCM who was instrumental in terminating the services of the claimant.

5. It is further the case of the claimant that the management has not even disclosed as to what was the misbehaviour committed by the claimant with the senior officers. The allegations thus are vague and have been framed.

6. The claimant has asserted that she is a workman covered under Section 2(S) of the ID Act, 1947. In para 7 of her statement of claim she has submitted as under :

“That the duty of the workman is covered under the definition of Section 2(s) of Industrial Disputes Act, 1947 as the workman has done also the comprehensive maintenance, including assisting in various radio inspection schedule under her senior AME's. Her work included maintenance of aircraft's



radio equipments along with that minor repair of the aircraft's radio equipment. Replacement of the faulty radio equipments with the new one's. She has done extensive manual work on aircraft's of the company. She was also having the responsibility of maintaining all electrical equipments including the lead acid battery, charging of the battery and its specific gravity, checking, maintaining the water levels etc. As her job is assisting the AME in 90 days or 180-radio schedule, which used to be carried out on aircraft at that time as per DGCA requirements, she has done major snag rectifications, on the fixed wing aircrafts as well as on helicopters. The radio schedules she used to check and correct many electrical faults, wiring problem and ELT checks etc. so the workman was mainly doing the manual and technical job."

7. That the action of the management is also against the provisions of Industrial Disputes Act, 1947 as the management neither had conducted any domestic enquiry nor even had issued one month's notice nor one month pay in lieu of notice was given to the claimant. Section 25F of the ID Act, 1947 thus had been violated. That junior persons in the same category have been retained in service by the management and this is also against the provisions of Section 25G of the ID Act, 1947. The claimant served a demand notice vide her letter dated 12-8-2007 through speed post which has been annexed as Annexure C but the management did not respond to the said letter till date. The action of the management in terminating the services of Ms. Sarita Tiwari thus is unjustified, invalid and illegal. Ms. Sarita Tiwari has asserted that from the date of her termination she is unemployed and she is entitled to be reinstated in service with full back wages and continuity in service along with all consequential benefits. Ms. Sarita Tiwari thus has prayed that the management be directed to reinstate her with effect from 9-8-2007 with full back wages and continuity of service along with consequential benefits.

8. The management initially contested the claim of claimant and filed its written statement wherein they disputed the assertions of the claimant. Broadly, it was submitted that the claimant was on probation for a period of three months from the date of joining and such period shall be deemed to continue unless confirmed in writing. The claimant till the date of termination has not been given status of regular employee in writing due to her poor performance. It is submitted that the claimant was appointed as a trainee AME in the technical team of the aircraft and in view of the responsibilities in the aviation industry where a single mistake could cost loss of life of many persons and despite that she was given many opportunities to improve as she was under performing and was not showing any interest in improving her work. The management had already conveyed the "loss of

confidence". It is submitted that when the claimant was served with the show cause notice, she threatened the management with dire consequences and discourteously walked out shouting foul language. It was under these circumstances that the management was forced to terminate her services without even waiting for the 7 days period. It is submitted that the claimant is not a "workman" as the nature of her work was not clerical or manual but involves great expertise and depends upon special manual training, scientific or technical knowledge. Further, without admitting that the claimant falls within the definition of "workman", the management asserts that it has a right to terminate the services of an employee on probation if the employee is found not suitable for the job without assigning any reason.

9. In her rejoinder, the claimant controverted the assertions of the management and has reiterated her own submissions made in the statement of claim. It is pointed out that the words "loss of confidence" were never mentioned in the written statement filed before the Conciliation Officer.

10. The management contested the case until 7-10-2010 and thereafter they stopped attending the court proceedings. Ultimately vide order dated 29-8-2011 the management was ordered to be proceeded ex parte.

11. The claimant has filed her ex parte evidence on affidavit wherein she has asserted all what has been stated by her in her statement of claim mentioned above. The claimant in her affidavit has detailed her duties which she was performing as AME Trainee. All the duties as mentioned in para 7 of the statement of claim quoted above in this judgment have been reasserted in her evidence on affidavit also. The evidence of the claimant remains unchallenged in this case as the management is being proceeded ex parte and no cross-examination of the evidence of the claimant has been done. In view of the unrebutted evidence it is clear that Ms. Sarita Tiwari was mainly doing manual and technical job. She was thus clearly a "workman" as defined in Section 2(s) of the Industrial Disputes Act, 1947. There is also unrebutted evidence on record that after serving a show cause notice dated 7-8-2007 wherein the workman was asked to give her explanation within a week's time i.e. upto 14-8-2007, her services were terminated on 9-8-2007 itself. Thus the services of Ms. Sarita Tiwari were terminated even without waiting for her explanation which she could give within 7 days from 7-8-2007. Admittedly, no domestic enquiry has been held in this case before the services of workman Ms. Sarita Tiwari were terminated. Even no show cause notice of one month or one month's pay in lieu thereof has been given to workman Ms. Sarita Tiwari before her services were terminated. Admittedly, no compensation equivalent to 15 days average pay for every completed year of continuous service was paid to workman Ms. Sarita Tiwari at the time of her termination

with effect from 9-8-2007 though workman Ms. Sarita Tiwari worked continuously from 1-8-2006 till the date of termination of her services on 9-8-2007. Admittedly, no notice in her prescribed manner has been served on the appropriate Govt. regarding the termination of workman Ms. Sarita Tiwari. In 2006 (88) DRJ 75 (DB), Delhi Cantonment Board Vs. Central Govt. Industrial Tribunal & Ors. It has been held in para 5 of the judgment as under :

"In service law there is an important difference between a temporary employee and a permanent employee. A permanent employee has a right to the post whereas a temporary employee does not, vide State of U.P. Vs. Kaushal Kumar Shukla (1991) 1 SCC 691. However, there is no such distinction in industrial law. It may be noted that the Industrial Disputes Act makes no distinction between a permanent employee and a temporary employee (whether a probationer, casual, daily wage or ad hoc employee)".

Under the Industrial Disputes Act, every person employed in an industry irrespective of whether he is temporary, permanent or a probationer is a workman vide *Hutchiah Vs. Karnataka State Road Transport Corporation* (1983) 1 LLJ 30 (37) (kant.) (DB) provided he is doing the kind of work mentioned in Section 2(s).

12. In view of the above discussion, it is abundantly clear that the action of the management in terminating the services of workman Ms. Sarita Tiwari, AME trainee with effect from 9-8-2007 is clearly unjustified and is illegal. There is evidence on record that ever since the date of her termination, workman Ms. Sarita Tiwari remained unemployed. She is, therefore, held entitled to reinstatement with full back wages and continuity in service along with all consequential benefits. An ex parte award is passed accordingly and the reference sent by the Govt. of India stands disposed of.

Dated : 4-10-2012

SATNAM SINGH, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2012

का. आ. 3640.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 3/2007, CGITA No. 1062/2004, Old Ref. ITC 36/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-2012 को प्राप्त हुआ था।

[सं. एल-41025/01/2012-आई आर (बी-1)]

सुरेन्द्र कुमार, अनुभाग अधिकारी

New Delhi, the 27th November, 2011

S.O. 3640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2007, CGITA No. 1062/2004, Old Ref. I.T.C. 36/97) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the industrial dispute between management of Western Railway and their workman, which was received by the Central Government on 23-11-2012.

[No. L-41025/01/2012-IR (B-1)]

SURENDRA KUMAR, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

#### PRESENT:

Binay Kumar Sinha,  
Presiding Officer,  
CGIT-cum-Labour Court,  
Ahmedabad

Dated the 15th October, 2012

Micellaneous Application No. 3/2007

Arising out of Reference : (CGITA) No. 1062/2004

(Old Ref. I.T.C. 36/97)

The General Secretary,  
Western Railway Kamdar Sangh,  
T.B.Z.-17, Gurunagar,  
Gandhidham (Kutch)-370201

... Applicant

V/s.

The Divisional Railway Manager,  
Western Railway,  
Ajmer

... Opponent

For the Applicant : Shri O. P. Bashistha, General  
Secretary, Western Railway  
Kamdar Sangh, T.B.Z.-17,  
Gurunagar, Gandhidham  
(Kutch)

For the Opponent : Shri R.K.P. Sharma, Advocate

#### ORDER/AWARD

This is an application filed by the applicant Western Railway Kamdar Sangh through General Secretary for restoration of the reference CGIT No. 1062/2004 to its original file and number. On the ground that the union (second party) in reference CGIT No. 1062/2004 had

submitted a pursis at Ext. 15 for closing the examination of second party witnesses but it was wrongly interpreted by the Tribunal/Court at Ext. 16 to be pursis for withdrawal of the reference and thereafter on the pursis of closing evidence of the second party witness order was passed on 6-10-2005 in camp court at Rajkot "allowed to withdraw" and thereafter award dated 29-11-2005 at Ext. 16 was passed as to application at Ext. 16 is hereby allowed and the second party is allowed to withdraw the reference. The reference is hereby disposed of, no order as to cost. Further case is that the union came to know on 7-12-2006 that the reference has been treated as withdrawn on the basis of Ext. 16. Further contention is that in the reference Case No. 1062/2004 the second party has adduced documentary and oral evidence and in fact on 6-10-2005 the second party (union) has filed an application regarding closing examination/evidence of its witnesses and praying to the court/tribunal for closing the evidence of second party.

(2) On the other hand the opponent by filing rejoinder at Ext. 5 to the Misc. Application Ext. 1 of the applicant, has contended that the application is not maintainable and that the contents of the application from para 1 to the last of the para are not true and it has been denied that the applicant has filed closing pursis for closing the evidence whereas as per order/award passed by the tribunal at Ext. 16 it appears that withdrawal pursis had been filed by the second party union and so reference case was disposed of as withdrawn on the basis of withdrawal pursis. On these grounds prayer has been made that there is no any ground for restoration of the reference case.

(3) Points for determination is whether the present applicant Western Railway Kamdar Sangh who was the second party in the reference CGIT No. 1062/2004 had filed pursis at Ext. 15 for closing the evidence of the second party or was it filed seeking permission to withdraw the reference case ?

(4) The original record of Reference CGIT 1062 of 2004 has been called for and attached with this Misc. case record for apprising of the rival contention of the parties in this Misc. case. I have gone through the entire case record of reference CGITA 1062 of 2004. The reference case was pending for adjudication on the terms of reference "Whether the demand of the Western Railway Kamdar Sangh, Gandhidham against the Divisional Railway Manager, Ajmer that Smt. N. R. Nariani, Sr. Clerk under ARM-Gandhidham be taken back to her original duties with back effect and back wages by canceling the penalty of reversion for two years, under his order dated 19-9-1995, valid just and legal ? If so to what benefits the employee is entitled for and what directions are necessary in the matter ?". The second party union had submitted its statement of claim at Ext. 4 and had also filed several documents. The first party management of DRM Western Railway, Ajmer had filed its written statement at Ext.7.

Thereafter the concerned workman of the reference case had been examined and cross-examined at Ext. 12 and the second party union had further filed document with list Ext. 13 thereafter on 29-11-2004 second party has also filed a pursis praying therein to close the right of the first party to lead evidence of which no any order was passed. Thereafter the record was being adjourned for evidence. Thereafter on 6-10-2005 a pursis at Ext. 15 was filed by the second party union clearly mentioning that the second party closed the examination of its witnesses which may kindly be permitted. It cannot perused in anyway to be a withdrawal pursis even though the then Presiding Officer Shri B.I. Kazi indorsed such order on the pursis at Ext. 15 "allowed to withdraw" with signature and dated 6-10-2005. Thereafter an award dated 28-11-2005 was followed and the predecessor Presiding Officer of CGITA-cum-Labour Court, Ahmedabad namely Shri B.I. Kazi disposed of the reference on apparently wrong notion that Ext. 15 filed by the second party union is a withdrawal pursis and passed order/award as to reference is hereby disposed of on filing of withdrawal pursis and second party is allowed to withdraw the reference. Apparently the predecessor Presiding Officer had overlooked the pursis at Ext. 15 in persuing a carefully that it was not a withdrawal pursis rather it was a closing pursis of second party evidence. The simple question will also arise that when the second party has lead both documentary and oral evidence in the reference case and was making contest so why the second party union will withdraw the reference case. More so, when the first party was not leading evidence in the reference case and the second party union had filed pursis for closing the right of the 1st party to lead evidence.

(5) The contention raised by the opponent in its rejoinder is palpably devoid of any merit and appears to have simply dittoing the passing of wrong order/award by the P.O. of this tribunal, at that time presided over by Shri B.I. Kazi.

(6) For the reasons noted above in the foregoing, I find that the Misc. Application of the applicant Western Railway Kamdar Sangh praying therein for restoration of reference CGIT A No. 1062/2004 to its original file and number is having with all merits and so is fit to be allowed.

(7) Accordingly this Misc. case is allowed on contest. No order as to cost. The award dated 28-11-2003 passed by my predecessor Shri B.I. Kazi in reference CGITA No. 1062/2004 is set aside and the reference case is restored to its original file and number.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2012

का.आ. 3641.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स इंडियन रेअर अर्थ्स लिमिटेड कोल्लम के प्रबंधन के संबंध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम के पंचाट (संदर्भ संख्या 26/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2012 को प्राप्त हुआ था।

[सं. एल-29011/8/2008-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th November, 2012

**S.O. 3641.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Indian Rare Earths Ltd. (Quilon) and their workman, which was received by the Central Government on 31-10-2012.

[No. L-29011/8/2008-IR (M)]

JOHAN TOPNO, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri D. Sreevallabhan, B.Sc., LL.B.,  
Presiding Officer

(Thursday the 20th day of September, 2012/29th  
Bhadrapadam, 1934)

**I.D. No. 26/2008**

- Unions :**
1. The General Secretary,  
Kerala Minerals Employees  
Congress, Chavara P.O.,  
Distt. Quilon (Kerala).
  2. The General Secretary,  
IRE Minerals Division Employees  
Union, Chavara P.O. Distt.  
Quilon (Kerala).
  3. The General Secretary,  
Travancore Minerals Workers  
Union, Chavara P.O. Distt.  
Quilon (Kerala).

By Shri C. Anilkumar—(2nd and 3rd Union).

**Management :** The Chief General Manager,  
Indian Rare Earths Limited,  
Minerals Division, Chavara P.O.  
Distt., Quilon (Kerala).

By M/s. Menon & Pai.

**Addl. Management :** Indian Rare Earths Employees,  
Co-operative Society Limited  
No. Q. 425, Chavara P.O., Quilon  
District.

By Adv. Shri Paulson C. Varghese.

This case coming up for final hearing on 14-9-2012 and this Tribunal-cum-Labour Court on 20-09-2012 passed the following :

#### AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) the Government of India, Ministry of Labour by Order No. L-29011/8/2008-IR(M) dated 1-7-2008 referred the following industrial dispute to this Tribunal for adjudication :

“Whether the demand of the workmen of canteens functioning in the Indian Rare Earths Ltd., Chavara for regularization of their services is justified? If so, from what date?”

2. Management is the Indian Rare Earths Limited, Chavara, a public sector undertaking owned by the Government of India. There is a canteen provided for the benefit of the employees in its premises. The Indian Rare Earths Employees' Co-operative Society Limited impleaded as additional management in this case during the pendency of the proceedings was formed for the purpose of running the canteen. The employees of the canteen made demand to regularize them in the service of the management. It was not acceded to by the management and the same has resulted in raising this industrial dispute by the three unions.

3. After receipt of the notice first union did not enter appearance and file any claim statement. After appearance 3rd union filed claim statement. Afterwards the 2nd union adopted the contentions in that claim statement by filing a memo to that effect.

4. The allegations made in support of the demand for regularization by the 3rd union in the claim statement in a nutshell are that the management is an industry coming under Section 2(j) of the Industrial Disputes Act. There are 517 employees to carry on its business. As per Section 58 of the Mines Act and Rule 64 framed thereunder the management is bound to maintain a canteen for the benefit of its workers. Management provided canteen facility to their workers right from the very inception of the industry in the year 1968. It is a subsidized canteen and all the expenditure in relation to the running of the canteen is borne by the management. The canteen is situated in a secured area to which outsiders have no access. It is being maintained complying with the requirements as provided under Rule 64 of the Mines Rules. In order to maintain the affairs of the canteen, the management at their instance



had started a Co-operative Society and entrusted the management of the canteen with the employees. There is no contract between the management and the society for running the canteen. The canteen facilities are exclusively meant for nearly 650 employees including apprentices, trainees and the guests of the management. At present there are 30 workers employed in the canteen. They are under the deep and pervasive control of the management. Their work is perennial in nature and their salary, allowances, over-time wages, leave encashment, EPF contribution and all other benefits are being provided by the management by way of subsidy. As free medical facilities are given to them by the management they are exempted from the provisions of the ESI Act by the Government of Kerala. Likewise leave encashment, bonus etc. are also met by the management. Such facilities are on par with the benefits extended to the employees of the management. The wage slips of the canteen employees are prepared by the management and wages and other benefits are distributed through the society. Their retirement benefits are paid by the management. The management is the ultimate authority to take decision with regard to their service conditions. Their disciplinary control is with the management and it is being exercised through their nominated officials. The running of the canteen is under the direct supervision and control of the management. Three members of the managing committee of the society are nominees of the management. The President of the society is always a high-ranking official in the Human Resources Department of the management. Such nominated officials are having absolute control over the management of the affairs of the canteen. All the administrative decisions in respect of the running of the canteen are approved and endorsed by the management. Even the punching card of the canteen employees were issued by the management. The management is providing accommodation, furniture, equipments, fittings, utensils etc. for the purpose of running the canteen. It also provides electricity, water, gas etc. free of cost for that purpose. The accounts of the canteen are scrutinized and audited by the Finance Department of the management. The employees of the society are not governed by Section 80 and Appendix III of the Kerala Co-operative Societies Act. The service conditions of the employees working in the canteen are not as provided by the said Act and the Rules framed thereunder but as decided by the management. Though settlements regarding the service conditions are signed by the unions and the representatives of the society, as a matter of fact the final word is with the management in such matters. They are discriminated in respect of pay, allowances and other benefits. They are treated as employees of the society even though they are working under the direct supervision and control of the management. The society is only a name lender and the arrangement between the management and the society is only a sham arrangement made in order to shift the statutory

liability of the canteen employees. They are the members of the recognized unions representing the employees of the management. When the unions demanded regularization they were discriminated by segregating them from the regular employees by issuing separate punching card and other documents. They ought to have been treated by the management as their employees instead of projecting them as the employees of the society. Hence it is prayed for passing an award directing the management to regularize their service by giving effect from the date of their initial engagement with all consequential benefits.

5. The management filed written statement denying the allegations made in the claim statement to put forward the case by the unions that the society is only a name lender and the management of the canteen and the control and supervision of its employees are with the management. It is further contended that there is no employer-employee relationship between them and the management and hence the dispute is not sustainable. The society is one registered under the Kerala Co-operative Societies Act, 1969. It is a separate legal entity with its own bye-law and coming under the administrative control of the Registrar of Co-operative Societies, Government of Kerala. As per the bye-law of the society all the employees of the management can become the members of the society. The Directors of the Board of the society are duly elected from the members. There are nine Directors elected as per the provisions of the said Act. The object of the society is to establish and maintain canteen and restaurant for the benefit of its members. It is also running a consumer store pursuant to the objects of the society. There are 29 workmen employed by the society to carry out the various works in the canteen and consumer store. They are appointed by the society as per the procedure prescribed under the provisions of the said Act. The society is paying the salary, allowances, over-time wages, leave encashment and all other benefits to them and also their PF contribution. The society applies to the Government of Kerala and obtains exemption from ESI Act for them. The service conditions of the employees of the society are regulated by the provisions contained in the Kerala Co-operative Societies Act, Rules, the bye-law of the society and the several long term settlements signed between the management of the society and the unions representing them. Management is not a party to any such settlement. As per the terms of the settlements the concerned workers are getting very high salary and perks to the tune of about Rs. 15,000. The society appoints staff in the canteen as per the decisions of the Board of the society. The management has no say in the matter of appointment. Promotion, payment of wages, disciplinary action etc. are also under the exclusive purview of the society. The Registrar of Co-operative Societies deposes auditors to conduct audit and supervise other administrative matters relating to the society. The society is bound to comply with the directions of the Registrar in

its day to day administrative matters. The society is running the canteen and it being the employer of the workmen concerned there cannot be a proper adjudication without making it a party to the dispute and hence the same is bad for non joinder of necessary parties. The disciplinary control over the canteen employees is fully vested with the management of the society. The management, control and supervision of the canteen and its employees are with the society formed by the employees of the management to run the canteen and the consumer store. The workers of the canteen are the employees of the society and not that of the management. The unions cannot make demand for their regularization in the services of the management and the management has no obligation to regularize them as they were employed by the society. The demand of the unions for their regularization is not legal and justifiable and hence not entitled to any relief.

6. In view of the contention of the management as to non-joinder of necessary parties unions 2 & 3 filed I.A. 12/2010 with a prayer to implead the society as additional management. The IA was allowed by my learned predecessor in office vide order dated 2-7-2010 and the society was impleaded as additional management in this case. After impleadment additional management filed written statement fully in support of the plea put forward by the management as to the independent existence of the society as a legal entity and the running of the canteen by the society with the employees appointed by it. It is specifically contended by the additional management that it is a Co-operative Society registered under the Kerala Co-operative Societies Act, 1969 with the object of establishment and maintenance of canteens or restaurants for the benefits of its members. As per the bye-law all the employees of the management can become members and out of the nine Directors of the Board six are elected from among the members and the remaining three are nominated by the management. The election is conducted under the supervision of the State Co-operative Department. The society is under the administrative control of the Registrar of Societies and it is bound to comply with the directions of the Registrar in its day to day administrative affairs. Registrar deposes auditors to audit and supervise the administrative matters relating to the society. The finance of the society is controlled and managed by the Director Board of the society and not by the management. The bye-law of the society can be amended only after following the procedure prescribed under the said Act. The society is running the canteen and a consumer store. All the employees of the society are appointed by the society as per the procedure prescribed under the said Act. They are under the disciplinary control of the society. Their service conditions are being regulated as per the provisions of the said Act and the Rules framed thereunder and the long term wage settlements arrived at between the trade unions and the management of the society. Appointment,

promotion, payment of wages, disciplinary action etc. are under the exclusive purview of the society. The salary and perks of the canteen employees are very high when compared to the workers in other establishments including the management. The affairs of the canteen are not supervised or controlled by any office of the management. The society has appointed a Canteen Manager for supervising the staff and to manage the overall operations of the canteen. Management has only to provide the infrastructure facilities and the necessary funds as per the provisions contained in the Mines Act and the Rules. Society is the employer of the canteen employees and not the management and hence the management is under no obligation to regularize the workman employed in the society. Hence the demand of the unions for regularizing the services of the canteen employees of the society is unjustifiable.

7. Unions 2 & 3 jointly filed a rejoinder reaffirming the allegations in the claim statements and denying the contentions put forward by the managements. It is further alleged that the absence of any contract between the management and the additional management renders the arrangement a sham one. The bye-law provides only for the posts of Secretary, Manager, Accountant, Clerk and Salesman and hence the appointment of the canteen employees cannot be as per the provisions of the Kerala Co-operative Societies Act and Rules. Co-operative Department does not have any say in the appointment of canteen employees. Their appointments were not approved by the Co-operative Department as it is not within the staff strength fixed by the Co-operative Department. The appointment of canteen employees is done by the management through their nominated officers. The Annual General Body Meetings of the society was not convened for the past 25 years.

8. For the purpose of deciding this reference one witness was examined from the side of unions 2 & 3 as WW1 and Exts. W-1 to W-29 were got marked. On the side of the management one witness was examined as MW1 and Exts. M-1 to M-4 were marked. For the additional management one witness was examined as MW2 and Exts. M-5 to M-10 were got marked.

9. The points for determination are :

- (1) Whether there is employer-employee relationship between the management, Indian Rare Earths Limited, Chavara and the canteen employees ?
- (2) Whether the demand of the canteen employees for regularisation of their services is justified and if so, from what date ?
- (3) Reliefs and costs.

10. Point No. 1 :—The management, Indian Rare Earths Limited, Chavara, is an industry coming within the purview of the definition of Industry under Section 2(j) of the Industrial Disputes Act and is also covered by the provisions of the Mines Act, 1952. As per S.58 of the Mines Act and the Mines Rules the management has to provide canteen facility for its workers, if the Chief Inspector so requires, when there are more than 250 such workers. It is not in dispute that the canteen run by the management is the one so established by the management and hence a statutory canteen.

11. Additional Management, the Indian Rare Earths Employees Co-operative Society, was formed for the purpose of running the canteen in the year 1970 shortly after its inception. It is a Co-operative Society registered under the Kerala Co-operative Societies Act, 1969.

12. Chapter-IX of the Mines Rules 1955 dealing with welfare amenities contains the Rules relating to canteens. Rules 64 to 71 deals with the establishment of canteens. Rules 64 and 68 to 71 have got much relevance in this case and hence the same is extracted below :

“64. Provision of Canteens—At every mine wherein more than 250 persons are ordinarily employed, if the Chief Inspector or an Inspector so requires, there shall be provided and maintained in or adjacent to the precincts of the mine a canteen for the use of all persons employed :

Provided that where the conditions at any mine so require the Chief Inspector or an Inspector may direct that other suitable arrangements approved by him for serving food, drink and other items to the persons employed be provided and maintained in addition to the canteen required under this sub-rule.

(2) If in any case, the Chief Inspector or Inspector is satisfied that no inconvenience will be caused to the employees concerned if a single canteen is provided to serve neighbouring mines, he may, by an order in writing and subject to such conditions as he may specify therein, authorize the owners, agents, or managers of such mines to provide jointly a single canteen.

[68. Maintenance of canteens and provisions of staff.—(1) Every canteen provided under these rules shall be run by the owner, agent or [officer-in-charge, canteen] thereof who shall appoint supervisory and other staff sufficient for the proper working of the canteen.

(2) Notwithstanding anything contained in sub-rule (1), where the workers offer to run the

canteen themselves and for this purpose organize a Co-operative Society, they shall be permitted to do so with financial assistance from the management.]

(3) In every such canteen, such food, drink or other articles shall be made available as may be recommended by the Canteen Managing Committee appointed under Rule 69.]

69. Canteen Managing Committee.—(1) The owner, agent or [officer-in-charge, canteen] shall appoint a Canteen Managing Committee which shall be consulted from time to time, but not less than once a month, as to the management and working of the Canteen.

(2)(a) The Committee shall consist of an equal number of members nominated by the owner, agent or [officer-in-charge, canteen] and elected by the persons employed in the mine. The number of elected members shall be on a scale of one for every 1000 persons employed, provided that the number shall not be more than 5 or less than 2.

(b) The term of office of the elected members shall be two years commencing from the date of the last election, no account being taken of a by-election.

(c) The owner, agent or [officer-in-charge, canteen] shall determine the procedure for and supervise the elections to the Committee.

(3) The owner, agent or [officer-in-charge, canteen] shall appoint either himself or his nominee as ex-officio Chairman of the Committee and the Chairman shall preside at every meeting of the Committee.

(4) The proceedings of every meeting of the Committee shall be recorded in a minute book and shall be signed by the Chairman.

70. Prices to be charged.—Food, drink and other items served in a canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee. A list of approved prices shall be conspicuously displayed in the canteen in English, Hindi and in the language of the district in which the mine is situated.

[Explanation.—In calculating the cost of food, drink and other items served in a canteen, expenditure on the following items shall not be taken into account :

(a) The cost of utensils including cooking vessels and utensils necessary to serve food to the workmen;

(b) The cost of furniture;

- (c) The cost of coal, fuel and electricity; and
- (d) The salaries of supervisory and other staff.]

**71. Accounts.**—Proper accounts pertaining to the canteen shall be maintained. Such accounts shall be audited once every twelve months by a [chartered accountant] or auditor, and a balance-sheet shall be submitted to the Canteen Managing Committee not later than two months after the date of closing of the accounts :

[Provided that the accounts pertaining to a canteen in a mine owned and worked by Government having its own Accounts Department, may be audited by such Department.]”

13. It is relevant to note that as per rule 68(1) the canteen is to be run by the owner, agent or officer-in-charge, canteen and to appoint supervisory and other staff sufficient for the proper working of the canteen. But Section 68(2) provides that if the workers offer to run the canteen by themselves they can be permitted to organize a co-operative society with the financial assistance from the management. As per clause 68(3) in every such canteen food, drink or other articles shall be made available as may be recommended by the Canteen Managing Committee appointed under Rule 69.

14. In the event of formation of such a Co-operative Society it has got independent existence and can be treated as a separate legal entity. At the same time as it is to be organized with the financial assistance of the management, management will have some financial control over the functioning of the Co-operative Society.

15. Regularization of the services of the workers in the canteen is sought for stating that they are to be treated as the employees of the management and not that of the Co-operative Society. According to the unions the society is only a name lender for the management of the canteen and the arrangement between the management and the society is sham and is only to have escape from the statutory liability.

16. In the claim statement there is no pleading with regard to the nature of appointment of the canteen workers or their conditions of service. The names, category, years of service and other details of the workers sought to be regularized are not given either in the claim statement or in the rejoinder. It is only stated in the claim statement that at present there are 30 workers in the canteen. How they became the canteen workers is not made clear. It is necessary to plead who had appointed them and what are their conditions of service. It is conspicuously absent in the pleadings of the unions. According to the management there are only 29 workers in the canteen engaged by the Co-operative Society and there is no employer-employee

relationship between them and the management. Management has produced Ext. M7 list to satisfy that there are only 29 workers in the canteen. Exts. M5 and M6 are produced to satisfy that the appointments were made by the President of the Co-operative Society. Ext. M1 is produced to prove that their service conditions are based on long term settlements entered into between the management of the society and its workmen represented by the unions. Management is not a party to that settlement. Unions have no case that the service conditions are not governed by the long term settlements. Society makes payment of the pay, allowances, and other benefits of the canteen workers and it is not equivalent to that of the employees of the management.

17. It is not in dispute that the canteen workers are engaged by the Co-operative Society. But it can be seen from Ext. W2 that the management was treating them as contract workers and the service benefits are given on the basis of separate agreement. According to the additional management the canteen employees are appointed by the society and their service conditions are regulated on the basis of long term settlements arrived at between the trade unions and the management of the society. Ext. W1 is the bye-law of the Co-operative Society and from which it can be seen that the strength of the employees of the society are given in the annexure. Apart from that as per Clause 22(2)(XIII) of the bye-law the Director Board is invested with the powers of fix the number of the employees, their pay and allowances. There is lack of pleadings and evidence to prove the nature of appointment and the conditions of service of the canteen workers apart from the long term settlements. It can be seen from Exts. M5 & M6 that the appointment is with a probation period of six months and subject to termination at any time during that period and within the extended period of probation. After confirmation termination can be at any time by giving one month's notice on either side or one month's salary in lieu of notice. In such a case of appointment by the society the employee cannot make any claim for regularization or absorption as the employee of the management.

18. The case of the unions for regularization is solely on the basis of the plea that they can be treated as the employees of the management as the society is only a veil or a camouflage formed for the purpose of denying their statutory rights and benefits.

19. For the purpose of considering the same it is necessary to have the settled position of law by making reference to the various decisions cited from both sides at the time of argument. The decisions of the Apex Court referred to are :

- (1) *Saraspur Mills Co. Ltd. V. Ramanlal Chimanlal and Ors.* 1974 KHC 516.



- (2) MMR Khan and Others V. Union of India and Others 1990 (Supp.) Supreme Court Cases 191.
- (3) Union of India (Railway Board) and Others v. J.V. Subhaiah and Ors. (1996) 2 Supreme Court Cases 258.
- (4) Indian Petrochemicals Corporation Limited and another V. Shramik Sena and Others 1999-II-LLJ 696.
- (5) Indian Overseas Bank v. I.O.B. Staff Canteen Workers' Union and Another (2000) 4 Supreme Court Cases 245.
- (6) Steel Authority of India Limited and Others v. National Union Water Front Workers and Others (2001) 1 Supreme Court Cases 298.
- (7) Hari Shankar Sharma and Others v. Artificial Limbs Manufacturing Corporation and Others 2002-I-LLJ 237.
- (8) National Thermal Power Corporation V. Kaari Potthuraju and Others 2003-III-LLJ 567.
- (9) Workmen of the Canteen of Coates of India Limited V. Coates of India Limited and Others (2004) 3 Supreme Court Cases 547.
- (10) Haldia Refinery Canteen Employees Union and Others V. Indian Oil Corporation Limited and Others 2005 II CLR 457.
- (11) Secretary, State of Karnataka and others V. Umadevi (3) and Others (2006) 4 SCC 1.
- (12) State of Karnataka and Others v. KGSD Canteen Employees' Welfare Association and Others (2006) 1 Supreme Court Cases 567.
- (13) Hindalco Industries Limited V. Association of Engineering Workers (2008) 13 Supreme Court Cases 441.

20. Majority of the decisions deals with the question as to whether employees employed in a canteen by a principal employer through a contractor to fulfill the obligations under a statute are employees of the principal employer and entitled to regularization. Some of the decisions are in favour of the principal employer and the other decisions in favour of the canteen workers. None of those decisions deals with the question as to the regularization of canteen workers in a canteen provided by the management as per the Mines Act and the Rules thereunder.

21. On going through the decisions it can be seen that it is settled law that employees of a statutory canteen do not ipso facto become the employees of the establishment for all purposes. They would be the workmen of the establishment for the purpose of Factories Act only

and not for all other purposes. The various decisions would also go to show that in each of the cases the industrial adjudicator was required to apply the relevant tests laid down by the Apex Court in the fact situation of each case.

22. In the decision reported in State of Karnataka and Others v. KGSD Canteen Employees' Welfare Association and Others (2006) 1 Supreme Court Cases 567 it was held that the law, however, does not appear to be settled as to whether even in a case where the employer is required to run and maintain a canteen in terms of the provisions of the statute, the employees of the canteen would automatically be held to be the workers of the principal employer for all intent and purport and not for the purpose of the Factories Act alone. It was left without any consideration in that case.

23. It cannot be said that the canteen workers are deemed to be the employees of the management for the reason that it is a statutory canteen. In a statutory canteen under the Mines Act, 1952, the canteen workers can be engaged by the management either by itself or through an agent and they can also be engaged by a Co-operative Society formed by the employees for the purpose of running the canteen. Whether the canteen workers engaged by an agent or by the Co-operative Society can be deemed to be the employees of the management is to be considered in view of the facts and circumstances in each case. For that purpose it is necessary to consider the question whether the Co-operative Society is only sham or nominal. There is no straight jacket formula or any litmus test to find out whether the employees in a statutory canteen can be treated as the employees of the management.

24. In VST Industries Limited v. VST Industries Workers' Union and Another (2001) 1 Supreme Court Cases 298 some of the tests to decide whether the workmen are employees of management for all purposes were narrated by referring to the earlier decisions while considering the question of regularization of the canteen workers coming under Section 46 of the Factories Act. Those are stated to be :

- “(1) The canteen has been there since the inception of the appellant's factory.
- (2) The workmen have been employed for long years and despite a change of contractors the workers have continued to be employed in the canteen.
- (3) The premises, furniture, fixture, fuel, electricity, utensils, etc. have been provided for by the appellant.
- (4) The wages of the canteen workers have to be reimbursed by the appellant.

- (5) The supervision and control on the canteen is exercised by the appellant through its authorized officer, as can be seen from the various clauses of the contract between the appellant and the contractor.
- (6) The contractor is nothing but an agent or a Manager of the appellant, who works completely under the supervision, control and directions of the appellant.
- (7) The workmen have the protection of continuous employment in the establishment."

25. It relates to the case of the engagement of a contractor by the management for running the canteen. Here in this case it is to be considered whether the co-operative society formed as provided under Rule 68(2) of the Mines Act to run the canteen with the financial assistance of the management is only a veil or a camouflage to defeat the claims of the canteen workers. It is a co-operative society registered under the Kerala Co-operative Societies Act, 1969 and hence it cannot easily be said that the society has no independent existence. The society is run by the workers themselves and once such a society is formed it is bound by the bye-law and becomes a separate juristic person. Ultimate control of the society is with the general body of the society as provided under Section 27 of the Kerala Co-operative Societies Act, 1969 which has all the powers as enumerated under the provisions of the said Act. Its general body is to approve the bye-law on the basis of which the managing committee is to be constituted. If the workers in that general body decides that the officers of the management shall also be the members of the managing committee, for various reasons that by itself cannot indicate that the administrative control of the society rests with the management.

26. For satisfying that the arrangement with the additional management is sham learned counsel for the unions have pointed out that there is no written agreement between the management and the society to run the canteen. As per the Mines Rules, 1952 there is the statutory obligation for the management to provide a canteen for the workers if it is required to by the Chief Inspector. But it can be done on co-operative basis by the workers of the management with its financial assistance. As it is statutorily provided that a co-operative society can be formed for the purpose of running the canteen, it cannot be said that it is necessary to have an agreement between the management and the society for that purpose. In most of the cases referred to above it was mainly considered whether the agreement between the management and the contractor or the co-operative society is a sham or nominal one. But as there is no agreement in this case it is to be considered in view of the other proved facts and circumstances in this case.

27. The society is having its own bye-law governing the administration of the society. When there is a registered co-operative society with its bye-law for the administration of the society it is to be held that it is a juristic person having independent existence.

28. On going through Ext. W1 bye-law of the society it can be seen that provisions are provided for the independent administration of the society. The ultimate control and the administrative powers are with the general body as per clause 19 of the bye-law. There is a Director Board consisting of nine members, out of which six are from the members of the society and the remaining three including the President are to be nominated by the management. Because of the inclusion of the three nominated members including the President learned counsel for unions 2 & 3 has submitted that the management can have control and supervision in the administration of the society. The nominated members are also the employees of the management. When they are acting as the President or members of the Director Board they are in a different role and they are always subject to the rules and bye-law governing the administration of the society. The Director Board has to implement the decisions of the general body and carry on the day-to-day administration of the society. The bye-law also provides for the fixation of the number of employees and the payment of their salary and other benefits. It is also pertinent to note that the financial assistance is to be rendered by the management and the management has to provide the infrastructure and also to comply with all other requirements as provided under the rules. There is nothing wrong in the inclusion of some of the members of the Director Board through nomination. That by itself cannot be treated as a reason to hold that the management has absolute control over a juristic person like a co-operative society registered under the Kerala Co-operative Societies Act. Nomination of members is provided by the bye-law itself and it was being followed from the very inception of the society without any complaint from the unions.

29. It is not in dispute that the control and supervision of the employees of the society is with the general body and the Director Board. There are provisions in the bye-law with regard to disciplinary proceedings against the employees of the society.

30. Unions have adduced evidence to support its case that the management is having a pivotal role in the financial and administrative affairs of the society. By making reference to Exts. W8, W9, W12, W19, W20, W22 and W23 it was argued by the learned counsel for unions 2 & 3 that the society is under the financial control of the management. Most of those documents relate to the request made for advance to meet the expenditure and some are for getting approval in respect of financial matters. It is to be noted that the society is to function with the financial

assistance of the management. Necessarily there will be involvement of the management in financial matters. Supervision in financial matters is essential to have a check in the allotment of funds for the society by the management. It cannot be said that the management is having absolute financial control in the affairs of the society. Audit of the accounts of the society by the management cannot also be accepted as a reason to say that the financial powers are with the management. Audit is necessary as it is providing financial assistance and it may be as envisaged in Rule 71 of the Mines Rules. There is evidence in this case to prove that the society is independently exercising financial powers.

31. Reimbursement of medical expenses of the canteen employees, deputation of the Cook of the canteen to the guest house by the Head of Indian Rare Earths Limited, attendance of the canteen workers in refresher training programme, use of punching card and wage slip of management for canteen employees are pointed out by the learned counsel for unions 2 & 3 to satisfy that the management has got administrative control and supervision over the canteen employees. Exts. W3, W6 and W15 were relied on to support the argument as to reimbursement of medical expenses. Ext. W3 is the photocopy of an application claiming refund of medical expenses stated to have been submitted by canteen employee Sasidharan in the form for claiming refund of medical expenses for the Indian Rare Earths employees and their families. There is no evidence to prove that it was directly submitted to the management. Sasidharan is not examined as a witness in this case to prove that any such application was filed by him before the management. It is seen to have been passed by the Manager after it was recommended by the Senior Manager (Finance) in the I.R.E. Even if reimbursement was as per the sanction of the management of the I.R.E. it will not help unions 2 & 3 to satisfy that the management was directly making reimbursement of the medical bills to the canteen employees. Ext. W6 is the copy of the auditor's report dated 10-11-2006. Therein it is noted that the I.R.E. Limited has directly incurred the expenditure of the staff medical bills. Ext. W-15 is a proposal for medical benefit for the I.R.E. Employees Co-operative Society employees and their family members submitted to the Chief General Manager, I.R.E. on 8th March, 1996. Exts. W6 and W15 relate to employees of the co-operative society. It cannot be said that it is as to the canteen employees. Management was not treating the canteen employees as the employees of the co-operative society. The incurring of expenditure for reimbursement of the medical bills is only as a part of financial assistance to the co-operative society. There is no convincing evidence in this case to prove that the management was directly making payment of the medical reimbursement claims of the canteen employees.

32. Deputation of the canteen cook Shri S. Unnikrishna Pallai to M.K. Guest House from 17th to 22nd

November, 2008 is evidenced by Ext. W7. Clause 20 of Ext. M1 settlement entered into between the society and the union makes it clear that there can be deputation of canteen employees to the guest house for duty. Some canteen employees are seen to have been called upon to attend the refresher training programme on Fire Safety through Ext. W10 notice dated 17-4-2009. It cannot in any way be said that the invitation for attendance of two canteen employees cannot in any way be accepted as a reason to hold that they are the employees of the management as it is necessary for the safety and security of the establishment. Ext. W26 photocopy of the punching card is produced to satisfy that there is control for the management over the canteen employees. As the canteen is within the premises of the I.R.E. The punching system of the management might have been provided for the use of the employees of the society. It does not mean that the canteen employees are under the direct supervision and control of the management. Ext. W-28 wage slip is produced to satisfy that the wage slip of the management was being used for the payment of wages to the canteen employees. It has not much relevance as it is not in dispute that the society is paying the salary and allowances of the canteen employees. All those aspects are not in any way sufficient to say that the management has been exercising effective control and supervision over the canteen employees.

33. There is also nothing to show that the management is having disciplinary control over them. Exts. W-25 and M-8 will go to show that the President of the society was initiating disciplinary proceeding and imposing the penalty. There is ample evidence in this case to satisfy that the society is having independent administration and the canteen employees are under the direct supervision and control of the society. It is true that Exts. W4 to W6 would go to show that the society was not strictly acting in accordance with the rules framed under the Kerala Co-operative Societies Act. But that cannot be accepted as a reason for holding that the society has become extinct or that it is under the absolute control and supervision of the management. If the management has some control on certain matters with regard to the running of the canteen to ensure that the canteen is run in an efficient manner, it does not mean that the employees working in the canteen have become the employees of the management.

34. By placing reliance on the decision of a Constitutional Bench of the Apex Court reported in Secretary, State of Karnataka and Others v. Umadevi (3) and Others (supra) it was submitted by the learned counsel for the management that absorption, regularization, or permanent continuance of temporary, contractual, casual, daily-wage or ad hoc employees appointed/recruited and continued for long in public employment dehors the constitutional scheme of public employment and that there is distinction between regularization and conferment of

permanence in service jurisprudence since regularization do not connote permanence. In that decision the method of appointment without following the due process or rules, appointment through absorption or regularization or re-engagement or making permanence is deprecated after holding that it is against the constitutional scheme.

In the decision reported in *Indian Oil Corporation Limited Vs. Union of India and Others* 2009-II-LJ 666 (SC) it was observed :

"In the light of the decision in *Secretary, State of Karnataka and Others v. Umadevi (3) and Others* (supra) case, the earlier decision in *Steel Authority of India Ltd. v. National Union Waterfront Workers and Others* (supra) would be confined only to private sector and contract workers in State or public sector undertaking will not be entitled to claim regularization even if the contract was sham and bogus and as such the order of reference ought to be set aside. In *Secretary, State of Karnataka and Others v. Umadevi (3) and Others* (supra) case the court was not concerned with the provisions of the Contract Labour (Regularisation and Abolition) Act and the Power of the industrial adjudicator to grant appropriate relief in a reference under the Industrial Disputes Act. The case does not even deal with the judgement in the *Steel Authority of India Ltd. v. National Union Waterfront Workers and Others* (supra) case. Both operate in different fields and the decision in *Secretary, State of Karnataka and Others v. Umadevi (3) and Others* (supra) case does not deal with the question of reference and forum where rights will have to be adjudicated."

35. The management is a public sector undertaking. It is already pointed out that the canteen employees are appointed by the society and not by the management. As they are appointed by a society which is a juristic person and the conditions of service are not that of the management it cannot be said that they are to be treated as employees of the management for the sole reason that there is a statutory obligation for the management to provide a canteen for its employees. Even in a case where the appointment is by the management with the conditions in Exts. M5 & M6 appointment orders they cannot be regularized in view of the decision in *Umadevi case* (supra). They being appointed by the society with specific conditions of service and with disciplinary control by the society they cannot be regularized treating them as the employees of the management.

36. In view of the aspects discussed above it can be held that there is no employer-employee relationship between the management and the canteen employees.

37. **Points No. 2 :—**As it is found that there is no employer-employee relationship between the management

and the canteen employees and they are the employees of the society the demand for regularization of their service is not justified.

38. **Point No. 3 :—**In the result an award is passed finding that the demand of the workmen of the canteens for regularization of their services is not justified.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of September, 2012.

D. SREEVALLABHAN, Presiding Officer

### APPENDIX

#### Witnesses for the Unions.

WW1 — B. Raju, Tally Clerk, Indian Rare Earths Limited, Chavara.

#### Witnesses for the management :

MW1 — Jayapalan A., Senior Manager (H.R.M.), Indian Rare Earths Limited, Chavara P.O., Kollam.

MW2 — N.S. Sivakumar, President, Indian Rare Earths Employees' Co-operative Society Limited, Chavara

#### Exhibits for the unions :

W1 — Photocopy of the bye-law of the Indian Rare Earths Employees' Co-operative Society Limited No. Q-425.

W2 — Photocopy of the Proceedings dated 15-1-2003 of the part-time Administrator of Indian Rare Earths Employees' Co-operative Society Limited.

W3 — Photocopy of the application dated 31-12-2007 submitted by Shri Sasidharan claiming refund of medical expenses.

W4 — Photocopy of the audit certificate and audit memorandum dated 16-10-2002 issued by the Deputy Registrar (Audit), Karunagappally of the Kerala State Co-operative Department.

W5 — Photocopy of the letter dated 11-11-1998 addressed to the President, Indian Rare Earths Employees' Co-operative Society Limited No. Q-425, Chavara by the Assistant Registrar (General), Karunagappally.



- W6 — Photocopy of the Auditors' Report of the Indian Rare Earths Employees' Co-operative Society Limited No.Q-25, Chavara with consolidated profit and loss account for the year ended on 31-3-2006.
- W7 — Photocopy of the communication dated 10-11-2008 of the Head of Indian Rare Earths Limited, Chavara.
- W8 — Photocopy of the letter dated 15-10-2007 of the Secretary of the Indian Rare Earths Employees' Co-operative Society Limited No. Q 425, Chavara to the General Manager (HRM) for advance of Rs. 1,00,000.
- W9 — Photocopy of the letter dated 1-4-1996 addressed to the Chief General Manager, Indian Rare Earths Limited, Chavara by the Secretary of Indian Rare Earths Employees' Co-operative Society Limited, Chavara.
- W10 — Photocopy of the notice dated 17-4-2009 issued by the Head, Indian Rare Earths Limited, Chavara.
- W11 — Photocopy of the Letter dated 6-11-2006 addressed to the General Manager (Finance), Indian Rare Earths Limited, Chavara by the Executive Director of Dhanya Consumers Pvt. Ltd., Kollam.
- W12 — Photocopy of the Letter dated 24-1-2008 addressed to the Chief General Manager, Indian Rare Earths Limited, Chavara by the Secretary of Indian Rare Earths Employees' Co-operative Society Limited No. Q. 425, Chavara.
- W13 — Photocopy of the letter dated 30-1-2003 addressed to the Chief General Manager, Indian Rare Earths Limited, Chavara from the Indian Rare Earths Employees' Co-operative Society Limited No. Q. 425 Chavara.
- W14 — Photocopy of the fax message dated 16-3-2007 to the Head, Indian Rare Earths Limited, Chavara from Chief General Manager (HRM), H.O. of Indian Rare Earths Limited, Mumbai.
- W15 — Photocopy of the proposal as to Medical Benefit Scheme for the Indian Rare Earths Employees' Co-operative Society Employees and their Family Members submitted by the Senior Manager (SE & T) (President, Indian Rare Earths Employees' Co-operative Society) to the Chief General Manager, Indian Rare Earths Limited, Chavara.
- W16 — Photocopy of the Pay Revision Statement of Indian Rare Earths Employees' Co-operative Society Employees submitted to the General Manager (Finance) by the General Manager on 5th June 2007.
- W17 — Photocopy of the Pay Revision Statement of Indian Rare Earths Employees' Co-operative Society Employees submitted to G.M. (Finance) by the Senior Manager on 6-6-2007.
- W18 — Photocopy of the letter dated 17-3-2008 addressed to the Chief General Manager, by the Director (Finance), Indian Rare Earths Limited, Mumbai.
- W19 — Photocopy of the letter dated 9-1-2003 addressed to the Chief General Manager, IRE Limited, Chavara from the Indian Rare Earths Employees' Co-operative Society Limited No. Q-425, Chavara.
- W20 — Photocopy of the letter dated 9-9-2005 addressed to the Head, Indian Rare Earths Limited, Chavara by the Secretary, Indian Rare Earths Employees' Co-operative Society Limited No. Q-425, Chavara.
- W21 — Photocopy of the letter No. CH/0100/97 dated 26-7-1997 addressed to the Company Secretary & Executive Director (P&A), Indian Rare Earths Limited, Mumbai by the Chief General Manager, Indian Rare Earths Limited, Chavara.
- W22 — Photocopy of the letter dated 21-01-2008 addressed to the Chief General Manager, Indian Rare Earths Limited, Chavara by the Secretary, Indian Rare Earths Employees' Co-operative Society Limited No. Q. 425, Chavara.
- W23 — Photocopy of the note submitted by General Manager (HRM) to the General Manager (Finance) as to the calculation of bonus/annual allowance for 2006-2007 for Co-operative Society Employees.
- W24 — Photocopy of the note put up to the Chief General Manager for canteen subsidy by the President, IRE Co-operative Society.
- W25 — Photocopy of the show cause notice dated 1-9-2009 issued on behalf of the President of the Indian Rare Earths Employees' Co-operative Society Limited No. Q. 425, Chavara to Shri G Ramachandra Shenoy, No. 43.
- W26 — Photocopy of the punching card in the name of Shri B. Sudhakaran Nair for the month of August/September, 2003.

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- W27 — Photocopy of the punching card in the Name of Shri S. Vijayan for the month of May/June, 1999.
- W28 — Photocopy of the wage slip of Shri Abdul Samad, employee, Indian Rare Earths Limited for the month of May, 2011.
- W29 — Photocopy of the wage slip of Shri J. Francy, canteen employee for the month of May 2011.

**Exibits for the management**

- M1 — Photocopy of the Memorandum of Settlement dated 15-3-2011 arrived at between the management of the Indian Rare Earths Employees Co-operative Society Limited and its workmen represented by the unions.
- M2 — Photocopy of the pay slip of employees of the Indian Rare Earths Employees Co-operative Society Limited for the month of May 2011.
- M3 — Photocopy of the challan dated 19-4-2011 for remittance of Employees Provident Fund Contribution by the Indian Rare Earths Limited.
- M4 — Photocopy of the Office Order No. 237 dated 6-8-2010 issued by P.F. Joseph, Head, Indian Rare Earths Limited, Chavara.
- M5 — Photocopy of the appointment Order No. 1/99 dated 4-1-1999 issued by the President, Indian Rare Earths Employees' Co-operative Society Limited, Chavara to Smt. Rema K., Krishnavilasom, Cherusseribhagam, Chavara.
- M6 — Photocopy of appointment Order No. 2/99 dated 4-1-1999 issued by the President, Indian Rare Earths Employees' Co-operative Society Ltd., Chavara to Shri G Ramachandra Shenoy, Thirumala Vadakkemadam, Thevalley, Kollam.
- M7 — Photocopy of the list of employees in service of the Indian Rare Earth Employees' Co-operative Society Limited.
- M8 — Photocopy of the Warning No. CH/IRE/EMCO-OP/2006 dated 8-4-2006 of the President Indian Rare Earths Employees' Co-operative Society Limited, Chavara to Shri A.V. Mani, No. 27.
- M9 — Photocopy of the proceedings of the Returning Officer dated 5-8-2010.
- M10 — Photocopy of the challan dated 10-6-2011 for remittance of Employees Provident Fund contribution by the Indian Rare Earths Employees' Co-operative Society Limited.

D. SREEVALLABHAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2012

का. आ. 3642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एम पी स्टेट माइनिंग कॉर्पोरेशन लिमिटेड के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 70/88) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2012 को प्राप्त हुआ था।

[सं. एल-29012/46/87-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 27th November, 2012

S.O. 3642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/88) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s MP State Mining Corporation Ltd. (Satna MP) and their workman, which was received by the Central Government on 31-10-2012.

[No. L-29012/46/87-IR (M)]

JOHAN TOPNO, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR**

**No. CGIT/LC/R/70/88**

Presiding Officer : Shri Mohd. Shakir Hasan

General Secretary,  
Satna Stone and Lime Workers Union,  
79/10, Krishna Nagar,  
Satna (MP)

... Workman

Versus

General Manager,  
MP State Mining Corporation Ltd.,  
Sub Office, Satna (MP)

... Management

**AWARD**

Passed on this 3rd day of October, 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-29012/46/87-D-3(B) dated 6-4-1988, 18-7-88 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of MP State Mining Corporation Ltd. Bhopal, Sub Office- Stana (MP) in terminating the services of Shri Laxeshwar Singh and Shri Laxmi Prasad Sharma, Clerk Grade is

justified ? If not, to what relief the workmen are entitled for ?”

2. The case of the workmen/Union in short is that the workmen Shri Laxmi Prasad Sharma and Shri Laxeshwar Singh were working as clerk in the sub office of M.P. State Mining Corporation at Satna. Shri Laxeshwar Singh was Vice President since 1986 of Satna Stone and Mine Workers Union. Shri Laxmi Prasad Sharma was Executive member of the working committee of the Union. The workmen raised agitation and slogans of the irregularities of the management which was against the interest of the workers and the Mining Corporation. It is stated that the Assistant General Manager Shri R. K. Khare transferred these workmen along with others to Narohill Bauxite Mine and Bamhore Lime Stone Mines to victimize them. The workmen raised dispute before this Tribunal under the Industrial Dispute Act, 1947 (in short the Act, 1947). The then Tribunal directed to maintain status quo. The workmen were regularly attending the office on work and marked their attendance on the register but the management did not ask anything from them from 14-8-87 to 16-8-87. The workmen were continuously present till 21-7-87 but inspite of attendance the management dismissed them on 22-8-87 for unauthorized absence under clause 12(C) of the Certified Standing Orders without giving opportunity to defend themselves. Even no show cause was asked before terminating them in violation of the Certified Standing orders. It is submitted that the workmen be reinstated with back wages and all other benefits.

3. The management also appeared and filed Written Statement to contest the reference. The case of the management inter alia, is that the workman Shri Laxeshwar Singh was Asstt. Issue clerk. It is admitted that Shri Laxmi Prasad Sharma was clerk in the sub-office of the management at Satna. It is stated that these workmen were transferred and their works were related to the daily wages workers working in the mine and these workmen had to prepare registers in the premises of the mine itself. It is stated that the transfer order was challenged and the order of the then Tribunal to maintain status-quo was received only on 1-9-87. It is stated that the workmen were directed to report at the place of transfer and therefore there was no work at sub-office, Satna for them. Their services were not terminated rather they had not filed any application to justify their absence from duty and had abandoned their services as such they lost their lien on their appointment under the Certified Standing Orders. It is stated that the management is still ready to consider their representation sympathetically. It is submitted that the workmen are not entitled to any relief.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication :—

- I. Whether the workmen were terminated w.e.f. 21-8-1987 and if so, the action of the management is legal and justified ?

II. To what relief the workmen are entitled ?

#### 5. Issue No. I :

According to the Union/workmen, these two workmen were attending the office and marked their presence from 14-8-87 to 21-8-87 but the management dismissed them on 22-8-87 for unauthorized absence under clause 12(C) of the Certified Standing Orders. The management contended that the workmen were directed to report on duty at the new place of work and there was no work for them at sub-office, Satna. They became unauthorized absent and were not terminated from services. They had abandoned themselves from services and had lost their lien on their appointment under clause 12(C) of the Certified Standing Orders.

6. The Union has examined the said workmen in the case. The workman Shri Laxeshwar Singh has supported the case of the Union. He has stated that he was appointed as a chowkidar on 16-4-1974 and were promoted to the post of supervisor. At the alleged time, he was Store Issuer. This fact is admitted by the management. This shows that he was permanent employee. He has stated that he had gone in the Court against the transfer order and the transfer was stayed. He was not relieved from the place. There is no document to show that he was relieved from Satna to report at Narohill on duty. He has further stated that he was continuously working and was marking his attendance on the register. The photocopy of the attendance register is filed in the case by the management which is admitted by the Union and is marked as Exhibit M/4. The said attendance register shows that the workman had marked his attendance from 14-8-87 to 21-8-87. The said register shows that in the attendance dated 21-8-87, there is a cutting and initialed. In rest of the days, there is no initial. This aspect shows that he was present at Satna in the sub office and marked his attendance. This shows that the story of the management that he abandoned the services is not corroborated rather the case of the Union/workmen is proved. Admittedly the management passed an order dt. 22-8-87 whereby the services of the workmen is said to have been automatically terminated under 12(C) of the Certified Standing Order. These orders are filed by the management but surprisingly it is denied by the learned counsel for the Union/workmen. Though it is the impugned orders. However the parties have admitted in their pleadings that they had been terminated under the provision of Clause 12(C) of the Certified Standing Orders. Thus it is clear from the evidence of the witness that the workmen were terminated under the provision of clause 12(C) of the Certified Standing Orders. It is also clear from his evidence that the workmen were present at sub-office Satna and they had not been relieved from the management. It is also clear that the said transfer was ordered to be maintained as status quo.

7. Another workman Shri Laxmi Prasad Sharma is also examined in the case. He has also supported the case and has corroborated the evidence of Shri Laxeshwar Singh. He has also stated that he was not relieved by the management. He has also stated that on 22-8-87 he was served with order of termination. It is clear from his evidence that he was terminated on the allegation of unauthorized absence though the attendance shows his attendance was marked.

8. Admittedly no departmental proceeding was conducted before termination of these workmen from service. The management has filed copy of certified standing orders which is admitted by the learned counsel for the Union and is marked as Exhibit M/1. Clause 21 deals with act of misconduct. Clause 21(4) runs as follows :

“Habitual late attendance and willful and habitual absence from duty without leave or without sufficient cause.”

This shows that the allegation of the management of their unauthorized absence comes under the purview of misconduct and the termination is a major punishment. This shows that the termination without any show cause and departmental proceeding and without giving the opportunity to defend the workmen themselves is apparently illegal and against the principle of natural justice. This shows that the orders dated 22-8-87 whereby the workmen are said to have been automatically terminated are illegal and not fit to sustain.

9. On the other hand, the management has adduced oral and documentary evidence. The management witness Shri D. S. Pandey is Office-in-charge of Satna office of M. P. State Mining Corporation. He has deposed on the basis of record. He has no personal knowledge. He has supported the case on the basis of record that the workmen were employed and were absent without leave and had not reported inspite of notice. This clearly shows that the allegation was of misconduct. The management has not filed the copy of the notice which was alleged to have been served on them and the said service reports. Since the evidence is based on document and therefore the document can only prove the fact of notice. There is no explanation as to why the service report and the copy of notice are not filed in the case. His evidence further shows that no departmental proceeding was conducted before considering their automatic termination. His evidence is not sufficient to prove the case of the management.

10. The management has filed documents which are admitted by the Union/workmen. Exhibit M/1 is the certified standing orders. The relevancy of the document is already earlier discussed. Exhibit M/2 is the photocopy of the order dated 12-8-87 and 19-8-87 passed in CGIT/LC(A)/6/1987 by the then Tribunal. These orders show that the status-quo was ordered to be maintained. Subsequently it was

informed the Tribunal that the management is not maintaining the status quo. This shows that the management had knowledge of the fact but even then the order dated 22-8-87 was passed whereby they were terminated from services. Exhibit M/3 is the notice sent to the management by the Tribunal by registered post in Case No. A/6/87 whereby it was informed to maintain status quo. The said notice appears to have been received on 17-8-87 as there is endorsement of receiving i.e. before passing the order of termination. This shows that the action of the management was arbitrary and the workmen were terminated without following the principle of natural justice. Exhibit M/4 is the photocopy of attendance sheet of the attendance register. This is of the month of August 1987. This shows that the workmen were not relieved for joining at Narhull and Bamhore Lime Stone Mine. Whereas in case of Shri Rajender Singh, it appears that he was relieved and it was mentioned accordingly against his name. It appears that the workmen marked attendance till 21-8-87. The management has pleaded that in collusion with the co-worker, they had marked their attendance. There is no specific case of the management as to who was in collusion with these workmen. Moreover, it appears that there is no endorsement from the date i.e. from 10-8-87 that their duties were fixed at other place rather it appears to be written subsequently. The attendance register shows that they were present at Sub-office Satna and worked there. This clearly shows that the action of the management was not justified. This issue is decided in favour of the Union/workmen and against the management.

#### 11. Issue No. II :

On the basis of the discussion made above, it is clear that the action of the management is not justified in considering them as automatically terminated without giving opportunity to defend themselves. It also appears from the evidence that they were not gainfully employed during the period of termination. The management is, therefore, directed to reinstate them from the date of termination i.e. from 22-8-87 with full back wages and other consequential benefits. The reference is accordingly answered.

12. In the result, the award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2012

क्र. आ. 3643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी.आई. के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 138/2002)



को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2012 को प्राप्त हुआ था।

[सं. एल-22012/247/2000-आई आर (सी-11)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 29th November, 2012

**S.O. 3643.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.138/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 29-11-2012.

[No. L-22012/247/2000-IR (C-II)]

B. M. PATNAIK, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT:

Dr. MANJU NIGAM, Presiding Officer

I.D. No. 138/2002

Ref. No. L-22012/247/2000-IR (C-II) dated : 19-7-2002

#### Between

The State Secretary,  
Bhartiya Khadya Nigam Karamchhari Sangh,  
DC/3V, Vibhuti Khand, Gomti Nagar,  
Lucknow.  
(Espousing cause of Shri Sobran Singh)

#### AND

The Sr. Regional Manager,  
Food Corporation of India,  
DC/3V, Vibhuti Khand, Gomti Nagar,  
Lucknow.

#### AWARD

1. By order No. L-22012/247/2000-IR (C-II) dated 19-7-2002 and its subsequent corrigendum dated 27-10-2005 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bhartiya Khadya Nigam Karamchhari Sangh, DC/3V, Vibhuti Khand, Gomti Nagar, Lucknow and the Sr. Regional Manager, Food Corporation of India, DC/3V, Vibhuti Khand, Gomti Nagar, Lucknow for adjudication.

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2. The reference under adjudication is :

“Whether the action of the management of Food Corporation of India in not granting stagnation increment w.e.f. 31-12-1992 and selection grade w.e.f. 31-12-1996 to Sh. Sobaran Singh is legal and justified ? If not, to what relief the concerned workman is entitled to ?”

“Whether the action of the management of Food Corporation of India in imposing penalties upon Shri Sobaran Singh vide order dated 4-9-1997, 25-1-1997, 20-2-1999, 25-7-1998, 30-11-1999 and 27-4-1996 is legal and justified ? If not, to what relief the concerned workman is entitled to ?”

3. It is admitted case of the parties that the workman, Sobran Singh was not granted stagnation increment and selection grade as well as he had been imposed penalties vide order dated 4-9-1997, 25-1-1997, 20-2-1999, 25-7-1998, 30-11-1999, and 27-4-1996.

4. It has been alleged by the workman's union that the management of the FCI, illegally did not grant stagnation increment w.e.f. 31-12-92 and selection grade w.e.f. 31-12-96. It has further alleged that the management illegally issued various charge sheets and imposed the penalties upon the workman, even though the detailed replies to the said charge sheets were submitted before the management. Accordingly, the Trade Union has prayed that the management be directed to grant stagnation increment and selection grade to the workman w.e.f. 31-12-1992 and set aside the illegal penalties imposed by the management vide orders dated 4-9-1997, 25-1-1997, 20-2-1999, 25-7-1998, 30-11-1999 and 2-4-1996 and refund the amounts recovered from the workman.

5. The management has denied the allegation of the workman's union by filing its written statement submitting therein that the action of the management in not granting the stagnation increment and selection grade to the workman is justified and legal. It has further submitted that the management did not commit any illegality in issuance of charge sheets for misconduct and irregularities during the course of employment and resultant penalties and the same were imposed after thorough enquiry, conducted as per Rules. The management has pleaded that the workman has failed to prove his innocence before the Enquiry Officer and also that the official has not exhausted departmental remedy by filing appeal before appropriate authority. Accordingly, the management has prayed that the claim of the workman's union be rejected without any relief to the workman.

6. The workman's union has filed rejoinder whereby it has only reiterated its averments already made in the statement of claim and has introduced nothing new.

7. After completion of the pleadings, the management moved an application dated 16-10-08, paper no. C-39; wherein it submitted that the workman has filed an application on 12-3-2008 before the management for out of court settlement regarding the same prayer and dispute raised before this Tribunal and that the workman is ready to withdraw the present case. Accordingly, the authorized representative of the management requested this Tribunal to dismiss the present case as the claim statement becomes infructuous. The authorized representative of the union, Shri T. B. Singh opposed the said application of the management, and requested that the case be disposed of on merits. Also, there is copy of an application dated 28-5-2011 from the workman whereby he has requested this Tribunal to proceed with the present case as he has withdrawn the application dated 12-3-2008, for settlement outside the court, before the FCI.

8. The authorized representative of the workman withdrawn his authority vide application dated 26-4-2010, paper No. 43 and thereafter, the workman's union was issued notice regarding withdrawal of authority by his representative, Shri T. B. Singh, but none turned up from the union to contest their case.

9. None turned up on behalf of the workman's union since 18-5-2012, nor has any application been moved seeking time. However, the management filed an affidavit regarding payment of retiral due to the workman. The workman's union did not file any document in support of his case. Moreover, the workman never put up his appearance before this Tribunal. The case was reserved for award keeping in view the reluctance of the workman's union to contest their case.

10. I have scanned entire material on record and given my thoughtful consideration to the rival contentions of the parties.

11. As regard application on behalf of the workman regarding withdrawal/pressing the present case, it may be kept in mind that in the order of reference the workman's union viz. Bhartiya Khadya Nigam Karmchari Sangh is party to the present industrial dispute who is espousing the cause of the workman and the workman has no 'locus standi' in respect of present case. The workman has to submit before this Tribunal through its union and since none of the application regarding withdrawal/pressing the present dispute has been filed through the union, this Tribunal tends to take up its case on merits.

12. It is the case of the workman's union that the management did not grant the workman stagnation increment w.e.f. 31-12-92 and selection grade w.e.f. 31-12-96; and further that the management illegally issued various charge sheets and imposed penalties upon the workman and in the event of denial by the management, it was incumbent upon the union to come forward with proper

evidence to support their case, documentary as well as oral; but the union has utterly failed to do so as it has not turned up to lead its evidence.

13. It is settled position of law that a party challenging the legality of order, the burden lies upon it to prove illegality of the action of the opposite party; and if no evidence is produced by the party, invoking jurisdiction of the court, must fail. In the present case burden was on the workman's union to set out the grounds to challenge the validity of the action of the management regarding non-grant stagnation increment and selection grade w.e.f. 31-12-96 to the workman; and further that the management illegally issued various charge sheets and imposed penalties upon the workman in violation of principles of natural justice and relevant Rules. This claim has been denied by the management; therefore, it was for the workman's union to lead evidence to show that the alleged injustice was done to the workman, by the management of the FCI; but the workman's union failed to prove the same as it has not turned up to corroborate the allegations by proper evidence.

14. In 2008 (118) FLR 1164 M/s. Uptron Powertronics Employees' Union, Ghaziabad through its Secretary vs. Presiding Officer, Labour Court (II), Ghaziabad and others, Hon'ble High Court relied upon the law settled by the Apex Court in 1979 (39) FLR 70 (SC) Sanker Chakravarti vs. Britannia Biscuit Co. Ltd., 1979 (39) FLR 70 (SC) V. K. Raj Industries v. Labour Court and others 1984 (49) FLR 38 Airtech Private Limited v. State of U.P. and others and 1996 (74) FLR 2004 (All.) Meritech India Ltd. v. State of U.P. and others; wherein it was observed by the Apex Court :

"that in absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the Court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

15. In the present case the workman's union has not turned up to substantiate its case by way of filing any oral evidence. Mere pleadings are no substitute for proof. It was obligatory on the part of workman's union to come forward with the case that the management of the FCI committed alleged injustice to the workman and the impugned orders were passed after conducting the enquiry in violation of the principles of natural justice; but the workman's union failed to forward any evidence in support of its claim, as it did not turn up for filing its evidence before this Tribunal. There is no reliable material for recording findings that the alleged injustice was done to the workman or the action of the management of Food Corporation of India in not granting stagnation increment and selection grade w.e.f. 31-12-96 to the workman; and

further that its action in imposing penalties upon the workman vide impugned orders dated 4-9-1997, 25-1-1997, 20-2-99, 25-7-98, 30-11-99 and 2-4-96 were illegal and unjustified.

16. Accordingly, the reference is adjudicated against the workman's union; and as such, I come to the conclusion that the workman, Sobran Singh is not entitled to any of the relief(s) claimed.

17. Award as above.

Dr. MANJU NIGAM, Presiding Officer

Lucknow  
29-10-2012

नई दिल्ली, 29 नवम्बर, 2012

का. आ. 3644.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 31/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2012 को प्राप्त हुआ था।

[सं. एल-22012/133/2003-आई आर (सीएम-II)]

बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 29th November, 2012

S.O. 3644.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Rajmahal Project, Eastern Coalfields Limited, and their workman, which was received by the Central Government on 29-11-2012.

[No. L-22012/133/2003-IR (CM-II)]

B. M. PATNAIK, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT:

Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under  
Section 10(1)(d) of the I.D. Act, 1947

Reference No. 31 of 2004

#### PARTIES:

Employers in relation to the management of Raj Mahal Project of M/s ECL and their work-woman/man.

#### APPEARANCES:

On behalf of the work woman : Mr. Vinay Kumar,  
Ld. Adv.

On behalf of the management : Mr. B. M. Pd.,  
Ld. Adv.

STATE : Jharkhand

INDUSTRY : Coal

Dated, Dhandbad, the 17th October, 2012

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under the following dispute to this Tribunal for adjudication vide their Order No. L-22012/133/2003-IR (CM-II), dt. 25-2-2004:

#### SCHEDULE

"Whether the action of the management of M/s ECL, Rajmahal in terminating the services of Smt. Roshmary Marandi, Mazdoor vide Order No. ECL/RGOM/CGM/1/1276 dated 28-9-2002 is legal and justified? If not, to what relief she is entitled to?"

2. Work woman Smt. Roshmary Marandi is present and files a petition with a photo-state copy of the official letter dt. 13-8-2012 of the Chief General Manager, Rajmahal Group of Mines about her medical examination for her reinstatement, and another petition for the disposal of the case on the ground that she has resumed his duty w.e.f. 25-9-2012 as General Mazdoor as per the office order No. CGM/P&IR/116/3182 dated 24-9-2012 issued by Area Personel Manager, Rajmahal Area. But on the other hand, neither B. N. Prasad, Ld. Advocate for the management appeared nor any witness of the management on preliminary issue produced despite last chance.

The present reference relates to an issue about the termination of the service of aforesaid work-woman, for which the management had to produce MW at preliminary point. Since the work-woman has herself asserted to have resumed her duty on 25-9-2012 as General Mazdoor in Rajmahal Area, there is no longer the present industrial dispute. Hence the case is closed and accordingly an award is passed as non existent of the Industrial Dispute.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2012

का. आ. 3645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 55/2010)

4549 GI/12-13

को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-2012 को प्राप्त हुआ था।

[सं. एल-22013/1/2012-आई आर (सी-II)]  
बी. एम. पटनायक, अनुभाग अधिकारी

New Delhi, the 29th November, 2012

**S.O. 3645.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Complaint No. 55/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workmen, which was received by the Central Government on 29-11-2012.

[No. L-22013/1/2012-IR (C-II)]

B. M. PATNAIK, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

Shri S. N. Navalgund, Presiding Officer

Dated the 9th day of October, 2012

Industrial Dispute L.C. No. 55/2010

#### BETWEEN:

Sri Jadi Rajaiah,  
S/o Laximaiah,  
C/o Smt. A. Sarojana, Advocate,  
Flat No. G7, Ground Floor,  
Rajeshwari Gayatri Sadan,  
Opp. : Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

... Petitioner

#### AND

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Srirampur Area, Srirampur,  
Adilabad district.

2. The Superintendent of Mines,  
RKNT incline,  
M/s. Singareni Collieries Company Ltd.,  
Srirampur Area, Srirampur,  
Adilabad district.

... Respondents

#### APPEARANCES :

For the Petitioner : M/s. A. Sarojana & K. Vasudeva  
Reddy, Advocates

For the Respondent : M/s. P.A. V.V.S. Sarma & Vijaya  
Laxmi Panguluri, Advocates

#### AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 between the management of M/s. Singareni Collieries Company Ltd., and their workman Sri Jadi Rajaiah and numbered in this Court at L.C.I.D. No. 55/2010 and notices were issued to the parties.

2. The Learned Counsel for workman filed withdrawal memo today i.e. on 9-10-2012 stating therein that the 1st Respondent company has expressed its willingness to consider the case of the Petitioner for his reinstatement into service subject to withdrawal of the present L.C. No. 55/2010. Further, it is prayed that the Petitioner may be permitted to withdraw the L.C.I.D. No. 55/2010 with a liberty to file/raise fresh, ID, if necessary.

3. For the reasons stated in memo filed by counsel for Petitioner, Petition is dismissed as withdrawn keeping liberty to file fresh industrial dispute if necessary. As such, in view of the memo petition is dismissed as not pressed. Accordingly, a 'Nil Award' is passed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 9th day of October, 2012.

S. N. NAVALGUND, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner

NIL

Witnesses examined for  
the Respondent

NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

#### CORRIGENDUM

New Delhi, the 5th December, 2012

**S.O. 3646.**—The award passed on 19-1-2012 was published in the official gazette vide notification No. 22013/1/2012-IR (C-II) dated 3-2-2012.

2. In the aforesaid notification under the head "Appearances : for the Respondent" at page 1 of the award.

"For the Respondent : Shri Seshukumar Reddy, Advocate"

Read

"For the Respondent : Shri M. V. Hanumantha Rao, Advocate"

[No. L-22013/1/2012-IR (C-II)]  
B. M. PATNAIK, Section Officer

The Presiding Officer, Central Government Industrial Tribunal/Labour Court, Hyderabad, M-2 Block, Manoranjan Complex, M. J. Road, Hyderabad-500001 w.r. to their I.D. No. 53/2009.

Copies of the award may be provided to the parties and the RLC (C) concerned directly by the Tribunal, in terms of this Ministry's letter No. L-13025/8/2001-IR (C-II) dated 20-11-2001 :

- (1) The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Ramakrishnapur, Adilabad Distt. (A.P.)
- (2) The Managing Director, (Administration),  
M/s. Singareni Collieries Company Ltd.,  
Post Kothagudem, Khammam Distt. (A.P.)
- (3) Shri Ramancha Bhadracharya,  
S/o Lingaiah, R/o H. No. 2-8-29,  
Ambedkar Colony,  
5th Ward, Jammikunta Town and Mandal,  
Andhra Pradesh
- (4) The Chief Labour Commissioner (C),  
New Delhi
- (5) The Assistant Director, IR (Imp.-I),  
Ministry of Labour, New Delhi
- (6) The Regional Labour Commissioner (C),  
Hyderabad
- (7) Ministry of Power, Shram Shakti Bhawan,  
New Delhi
- (8) Award Folder
- (9) C.R. Section

B. M. PATNAIK, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

Shri Ved Prakash Gaur, Presiding Officer

Dated the 19th day of January, 2012

Industrial Dispute L.C. No. 53/2009

#### BETWEEN:

Sri Ramancha Bhadracharya,  
S/o Lingaiah,  
R/o H. No. 2-8-29, Ambedkar Colony,  
5th Ward, Jammikunta Town  
and Mandal

... Petitioner

AND

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Ramakrishnapur, Adilabad district.
2. The Managing Director (Administration),  
M/s. Singareni Collieries Company Ltd.,  
Post Kothagudem,  
Khammam district.

... Respondents

#### APPEARANCES :

For the Petitioner : Sri S. Bhagwanth Rao,  
Advocate

For the Respondent : Sri Seshukumar Reddy,  
Advocate

#### CORRIGENDUM

The award was passed on 19-1-2012 and was published in the official gazette vide notification File No. L-22013/1/2012-IR (C-II) dated 3-2-2012.

Due to oversight under the head "Appearances : For the Respondent" at page 1 of the award was wrongly type as :

"For the Respondent : Sri Seshukumar Reddy,  
Advocate"

Intead of,

"For the Respondent : Shir M. V. Hanumantha Rao,  
Advocate"

VED PRAKASH GAUR, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2012

का. आ. 3647.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना संख्य का.आ. - दिनांक 15-6-2012 द्वारा लोह अयस्क खनन उद्योग जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 16 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-6-2012 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-12-2012 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं. एस-11017/13/97-आईआर (पीएल)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 13th December, 2012

**S.O. 3647.**—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour and Employment, dated 15-6-2012 the service in the Iron Ore Mining Industry which is covered by item 16 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a Public Utility Service for the purpose of the said Act, for a period of six months from the 18th June 2012.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a Public Utility Service for the purposes of the said Act, for a period of six months from the 18th December, 2012.

[No. S-11017/13/97-IR(PL)]  
CHANDRA PRAKASH, Jt. Secy.

नई दिल्ली, 14 दिसम्बर, 2012

**का. आ. 3648.**—जबकि कोड संख्या एनएजी/63260 के अंतर्गत नागपुर क्षेत्र में मैसर्स अवन्ता होल्डिंग्स लिमिटेड, (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन किया है।

और जबकि केन्द्रीय सरकार के विचार में, अंशदान की दरों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि नियम उक्त अधिनियम की धारा 6 में विनिर्दिष्ट नियमों की तुलना में कर्मचारियों के लिए कम उपयुक्त नहीं हैं और कर्मचारी उक्त अधिनियम अथवा कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त योजना के रूप में संदर्भित) के अंतर्गत सदृश स्वरूप के किसी अन्य प्रतिष्ठान में कर्मचारियों के

संबंध में की जाने वाली अन्य भविष्य निधि प्रसुविधाओं का भी लाभ उठा रहे हैं।

अतः, केन्द्रीय सरकार, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों के अधीन, उक्त प्रतिष्ठान को अगली अधिसूचना तक 1-1-2001 से उक्त योजना के सभी उपबंधों के प्रभाव से छूट प्रदान करती है।

[सं. एस-35015/16/2012-एसएस-II]

सुभाष कुमार, अवर सचिव

New Delhi, the 14th December, 2012

**S.O. 3648.**—Whereas M/s. Avantha Holdings Limited. [Under Code No. NAG/63260 in Nagpur Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as 'the Act').

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-1-2001 until further notification.

[No. S-35015/16/2012-SS-II]  
SUBHASH KUMAR, Under Secy.